

SENATE BILL No. 419

By Committee on Education

1-28

1 AN ACT concerning education; relating to postsecondary educational
2 institutions; enacting the Kansas intellectual rights and knowledge act;
3 providing a civil cause of action and penalties for violations of such
4 act; authorizing students and student associations to exercise political
5 and ideological beliefs, values and missions; amending K.S.A. 60-
6 5311, 60-5312 and 60-5313 and repealing the existing sections.
7

8 WHEREAS, Charlie Kirk was a courageous American whose life was
9 tragically and unjustly cut short in an act of political violence on
10 September 10, 2025, at Utah Valley University; and

11 WHEREAS, In 2012, Charlie Kirk, at 18 years old, founded Turning
12 Point USA, a student movement with the mission to "identify, educate,
13 train, and organize students to promote the principles of fiscal
14 responsibility, free markets and limited government"; and

15 WHEREAS, Charlie Kirk was a devoted Christian who boldly lived out
16 his faith with conviction, courage and compassion and used his platform to
17 encourage the free exchange of ideas, respectfully engaging in public
18 debates on college campuses across America, including on college
19 campuses in Kansas, as well as at foreign universities like Oxford; and

20 WHEREAS, Charlie Kirk embodied the principles of the First
21 Amendment of the Constitution of the United States by exercising his
22 God-given right to speak freely and challenge prevailing narratives, and he
23 did so with honor, courage and respect for his fellow Americans, serving
24 as a role model for young Americans across the political spectrum; and

25 WHEREAS, The assassination of Charlie Kirk was not only a heinous
26 act of violence but a sobering reminder of the growing threat posed by
27 political extremism and violence in our society; and

28 WHEREAS, Such acts of politically motivated violence are antithetical
29 to the principles of our nation, where differences of opinion are not to be
30 silenced but are to be debated with civility, reason and mutual respect; and

31 WHEREAS, Leaders at every level, including government, education,
32 media and beyond, must stand united in unequivocal condemnation of
33 political violence, regardless of ideology; and

34 WHEREAS, The tragic loss of Charlie Kirk should serve as a turning
35 point to recommit ourselves to the timeless American principles of liberty
36 governed by truth and the virtues of peaceful dialogue; and

1 WHEREAS, The First Amendment of the United States Constitution
2 protects the rights of freedom of speech, freedom of the press, freedom of
3 religion, freedom of association and to petition the Government for all
4 citizens; and

5 WHEREAS, The Supreme Court has called public universities,
6 "peculiarly the marketplace of ideas," Healy v. James, 408 U.S. 169, 180
7 (1972), where young adults learn to exercise these constitutional rights
8 necessary to participate in our system of government and to tolerate others'
9 exercise of the same rights. There is "no room for the view that...First
10 Amendment protections should apply with less force on college campuses
11 than in the community at large," Healy, 408 U.S. at 180; and

12 WHEREAS, College campuses should be bastions of intellectual
13 diversity, open debate and the free exchange of ideas, regardless of
14 political or ideological affiliation; and

15 WHEREAS, While speaking at Kansas State University on September
16 13, 2024, Charlie Kirk's microphone was turned off while he was still
17 answering student questions, forcing him to continue his event by
18 dangerously walking into the crowd; and

19 WHEREAS, In 2022, the University of Kansas School of Law
20 attempted to suppress speakers for a student association based merely on
21 the viewpoint of the speakers invited on campus; and

22 WHEREAS, The legislature finds that public universities in this state
23 are failing to provide adequate safeguards for the First Amendment rights
24 of students, leading to a stifling of expression on campus; and

25 WHEREAS, The legislature condemns the politically motivated death
26 of Charlie Kirk, all politically motivated violence and those who celebrate
27 such violence; and

28 WHEREAS, The legislature extends its condolences to Erika Kirk,
29 their two young children, the entire Kirk family and Turning Point USA
30 and all its subsidiaries in the loss of their husband, father, family member
31 and organizational leader; and

32 WHEREAS, The legislature has determined that a significant amount
33 of taxpayer dollars is appropriated to public institutions of higher
34 education each year and as such, this legislature must ensure that all public
35 institutions of higher education receiving state funds recognize freedom of
36 speech as a fundamental right for all.

37 Now, therefore:

38 *Be it enacted by the Legislature of the State of Kansas:*

39 New Section 1. (a) This section shall be known and may be cited as
40 the Kansas intellectual rights and knowledge act or KIRK act.

41 (b) As used in the KIRK act:

42 (1) "Benefit" means recognition, registration, the use of
43 postsecondary educational institution facilities for meetings or speaking

1 purposes, use of channels of communication and funding sources that are
2 otherwise available to student associations at the postsecondary
3 educational institution.

4 (2) "Campus community" means students, administrators, faculty and
5 staff of a postsecondary educational institution. "Campus community"
6 includes invited guests of such students, administrators, faculty and staff.

7 (3) "Expressive activity" means lawful verbal, written, audio-visual
8 or electronic means by which individuals may communicate ideas to one
9 another. "Expressive activity" includes, but is not limited to, peaceful
10 assembly, protests, speeches, guest speaker presentations, distribution of
11 literature, holding signs and circulating petitions.

12 (4) "Harassment" means expression that is unwelcome and so severe,
13 pervasive and subjectively and objectively offensive that a student is
14 effectively denied equal access to educational opportunities or benefits
15 provided by the postsecondary educational institution.

16 (5) (A) "Materially and substantially disrupt" means when an
17 individual, with the intent to do so or has knowledge of doing so,
18 significantly hinders another individual or group of individuals from
19 expressive activity, prevents communication of a message or transaction of
20 business of a lawful meeting, gathering or procession by:

21 (i) Engaging in fighting, violence or other unlawful behavior; or
22 (ii) physically blocking or using threats of violence to prevent any
23 individual from attending, hearing, viewing or otherwise participating in
24 an expressive activity.

25 (B) "Materially or substantially disrupt" does not include isolated,
26 minor, brief or fleeting nonviolent disruptions of events or conduct that is
27 protected under the First Amendment of the United States Constitution or
28 the Constitution of the State of Kansas, including, but not limited to,
29 lawful protests in outdoor areas of campus that are generally accessible to
30 members of the public unless reserved in advance.

31 (6) "Outdoor areas of campus" means the generally accessible outside
32 areas of the campus of a postsecondary educational institution where
33 members of the campus community are commonly allowed. "Outdoor
34 areas of campus" includes, but is not limited to, grassy areas, walkways or
35 other similar common areas. "Outdoor areas of campus" does not include
36 outdoor areas where public access is restricted.

37 (7) "Postsecondary educational institution" means the same as
38 defined in K.S.A. 74-3201b, and amendments thereto.

39 (8) "Student" means any individual who is enrolled full time or part
40 time in a postsecondary educational institution.

41 (9) "Student association" means an officially recognized group at a
42 postsecondary educational institution or group seeking official recognition
43 that is comprised of admitted students and receives or is seeking to

1 receive benefits through the postsecondary educational institution.

2 (c) (1) Expressive activities are hereby deemed protected and outdoor
3 areas of campus are hereby deemed public forums for the campus
4 community to engage in expressive activities. Postsecondary educational
5 institutions shall not create free speech zones or other designated areas of
6 campus outside of which expressive activities are prohibited.

7 (2) Postsecondary educational institutions may maintain and enforce
8 reasonable time, place and manner restrictions narrowly tailored in service
9 of a significant institutional interest only when such restrictions are clear,
10 the contents are published and viewpoint-neutral and provide ample
11 alternative means of expression. Any such restrictions shall allow for the
12 campus community to spontaneously and contemporaneously assemble or
13 distribute literature.

14 (3) Nothing in this subsection shall be construed as limiting the right
15 of student expression in campus spaces that are not outdoor areas of
16 campus.

17 (d) (1) Any individual who wishes to engage in non-commercial
18 expressive activity on campus shall be permitted to do so freely, so long as
19 the individual's conduct is lawful and does not materially and substantially
20 disrupt the functioning of the postsecondary educational institution.

21 (2) Postsecondary educational institutions may charge security fees to
22 a student or student association as part of an application for any expressive
23 activity that requires a permit, except that no postsecondary educational
24 institution may charge security fees based on the content of the expressive
25 activity of the student, student association, an invited guest or anticipated
26 reaction to the expressive activity of such student, student association or
27 invited guest. The requirement or amount of any such security fee shall
28 only be determined on the basis of content-neutral and viewpoint-neutral
29 criteria, including, but not limited to, the location of the activity, the
30 anticipated size of the audience and whether alcohol will be served. Each
31 postsecondary educational institution shall publish the criteria that such
32 institution used for assessing such security fee.

33 (3) Nothing in this subsection shall be construed to:

34 (A) Prevent postsecondary educational institutions from maintaining
35 and enforcing reasonable time, place and manner restrictions on expressive
36 activity if such restrictions are:

37 (i) Narrowly tailored to serve a significant institutional interest;

38 (ii) employ clear, published, content-neutral and viewpoint-neutral
39 criteria; and

40 (iii) allow the campus community to spontaneously and
41 contemporaneously assemble, speak or distribute literature;

42 (B) prevent postsecondary educational institutions from prohibiting,
43 limiting or restricting expression not protected by the First Amendment of

1 the Constitution of the United States or prohibiting harassment; or

2 (C) enable individuals to engage in conduct that intentionally,
3 materially and substantially disrupts another individual's expressive
4 activity if such activity is occurring in a campus space that is reserved for
5 such activity under the exclusive use or control of such individual, student
6 or student association.

7 (e) Each postsecondary educational institution shall:

8 (1) Publish on its website and in any handbooks and orientation
9 programs, such institution's policies, regulations or expectations of
10 students regarding free expression on campus;

11 (2) develop materials, programs and procedures to ensure that any
12 individual who is responsible for student discipline or education,
13 including, but not limited to, administrators, campus police officers,
14 residence life officials and professors, understand the policies, regulations
15 and duties of the postsecondary educational institution regarding free
16 expression on campus; and

17 (3) (A) annually submit a report to the governor and the legislature
18 on or before the first day of the regular legislative session that includes:

19 (i) The course of action implemented to comply with the
20 requirements of this act, including any changes or updates to such course
21 of action;

22 (ii) a description of any barriers to or incidents of disruptions of
23 expressive activity on campus, including, but not limited to, attempts to
24 block or prohibit speakers and investigations into any speech by students
25 or student associations. Such description shall include the nature of each
26 barrier or incident and any disciplinary action taken against the campus
27 community determined to be responsible for such barrier or incident, but
28 such description shall keep confidential any personally identifiable
29 information of each student involved; and

30 (iii) any other information that the postsecondary educational
31 institution deems valuable for the public to evaluate whether free
32 expression rights of all members of the campus community have been
33 equally protected and enforced as provided in this act.

34 (B) The report shall be accessible from the postsecondary educational
35 institution's website home page by use of not more than three links,
36 searchable by keywords and phrases and accessible to the public without
37 requiring registration or use of a username, password or other
38 identification measures.

39 (C) If a postsecondary educational institution has been sued for an
40 alleged violation of First Amendment rights, such institution shall submit a
41 supplementary report to the governor and the legislature that includes a
42 copy of the complaint or any amended complaint within 30 days of
43 receiving notice that such complaint has been filed.

1 (f) (1) The attorney general or any individual whose expressive rights
 2 were violated through violation of this act may bring an action against a
 3 postsecondary educational institution and any agent of such institution
 4 acting in an official capacity in a court of competent jurisdiction to enjoin
 5 a violation of this act and recover damages, reasonable court costs and
 6 attorney fees. If the court finds a violation of this act in an action brought
 7 under this subsection, the court shall award the aggrieved individuals
 8 damages in an amount of not less than \$500 for the initial violation and
 9 \$50 for each day that such violation continues. The damages shall begin
 10 accruing the day immediately after the complaint is served on the
 11 postsecondary educational institution. If there are violations that harm
 12 multiple individuals, the court shall divide the damages equitably.

13 (2) Each day that the violation continues and each day that a policy in
 14 violation of this act remains in effect shall constitute a new day of the
 15 violation.

16 (g) A postsecondary educational institution that violates this act is not
 17 immune from suit or liability for such violation.

18 (h) The provisions of this act are severable. If any portion of the act is
 19 declared unconstitutional or invalid, or the application of any portion of
 20 the act to any person or circumstance is held unconstitutional or invalid,
 21 the invalidity shall not affect other portions of the act that can be given
 22 effect without the invalid portion or application, and the applicability of
 23 such other portions of the act to any person or circumstance shall remain
 24 valid and enforceable.

25 Sec. 2. K.S.A. 60-5311 is hereby amended to read as follows: 60-
 26 5311. As used in K.S.A. 60-5311 through 60-5313, and amendments
 27 thereto:

28 (a) "Benefit" means the following:

29 (1) Recognition;

30 (2) registration;

31 (3) the use of facilities of the postsecondary educational institution
 32 for meetings or speaking purposes;

33 (4) the use of channels of communication of the postsecondary
 34 educational institution; and

35 (5) funding sources that are otherwise available to other student
 36 associations in the postsecondary educational institution.

37 (b) "Postsecondary educational institution" ~~shall have the same~~
 38 ~~meaning as that term is~~ *means the same as* defined in K.S.A. 74-3201b,
 39 and amendments thereto.

40 (c) "Student" means ~~any person~~ *individual* who is enrolled ~~on a full-~~
 41 ~~time or part-time basis~~ *full time or part time* in a postsecondary
 42 educational institution.

43 (d) ~~"Religious Student association" means an association of students~~

1 ~~organized around shared religious beliefs~~ *the same as defined in section 1,*
2 *and amendments thereto.*

3 Sec. 3. K.S.A. 60-5312 is hereby amended to read as follows: 60-
4 5312. No postsecondary educational institution may take any action or
5 enforce any policy that would deny a religious, *political or ideological*
6 student association any benefit available to any other student association,
7 or discriminate against a religious, *political or ideological* student
8 association with respect to such benefit, based on such association's
9 requirement that the leaders or members of such association:

10 (a) Adhere to the association's sincerely held religious, *political or*
11 *ideological* beliefs, *values or mission*;

12 (b) comply with the association's sincerely held religious, *political or*
13 *ideological* beliefs, *values or mission*;

14 (c) comply with the association's sincere ~~religious~~ standards of
15 conduct; or

16 (d) be committed to furthering the association's ~~religious~~ missions, ~~as~~
17 ~~such~~ *or purposes, including any religious, political or ideological* beliefs
18 *or values*, observance requirements, standards of conduct or missions ~~are~~
19 *as defined by the religious student association, or the religion on which the*
20 *association is based.*

21 Sec. 4. K.S.A. 60-5313 is hereby amended to read as follows: 60-
22 5313. Any student or ~~religious~~ student association aggrieved by a violation
23 of K.S.A. 60-5312, and amendments thereto, may bring a cause of action
24 against the postsecondary educational institution for such violation and
25 seek appropriate relief, including, but not limited to, monetary damages.
26 Any student or ~~religious~~ student association aggrieved by a violation of
27 K.S.A. 60-5312, and amendments thereto, also may assert such violation
28 as a defense or counterclaim in any civil or administrative proceedings
29 brought against such student or ~~religious~~ student association.

30 Sec. 5. K.S.A. 60-5311, 60-5312 and 60-5313 are hereby repealed.

31 Sec. 6. This act shall take effect and be in force from and after its
32 publication in the statute book.