

SENATE, No. 4771

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 5, 2026

Sponsored by:
Senator ANDREW ZWICKER
District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Concerns speech rights of persons creating public media at public institutions of higher education.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning campus media at public institutions of higher
2 education and amending P.L.2021, c.309.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 3 of P.L.2021, c.309 (C.18A:62-67) is amended to read
8 as follows:

9 3. a. As used in this section:

10 "Public media produced at a public institution of higher
11 education" means any material, other than school-sponsored media,
12 that is prepared, substantially written, published, or broadcast that
13 has been produced by an entity receiving State funding and holding
14 a license or having another agreement with a public institution of
15 higher education to use that institution's resources for the purpose of
16 creating or distributing the media for which the entity receives State
17 funding.

18 "School-sponsored media" means any material that is prepared,
19 substantially written, published, or broadcast by a student journalist
20 at a public institution of higher education, distributed or generally
21 made available to members of the student body, and prepared under
22 the direction of a student media adviser. School-sponsored media
23 does not include media intended for distribution or transmission
24 solely in the classroom in which the media is produced.

25 "Student journalist" means a student at a public institution of
26 higher education who gathers, compiles, writes, edits, photographs,
27 records, or prepares information for dissemination in school-
28 sponsored media.

29 "Student media adviser" means an individual employed,
30 appointed, or designated by a public institution of higher education
31 to supervise or provide instruction relating to school-sponsored
32 media.

33 b. (1) Except as otherwise provided in subsection c. of this
34 section, a student journalist has the right to exercise freedom of
35 speech and of the press in school-sponsored media, regardless of
36 whether the media is supported financially by the public institution
37 of higher education or by use of institution facilities, or produced in
38 conjunction with a course in which the student is enrolled. Subject
39 to subsection c. of this section, a student journalist is responsible for
40 determining the news, opinion, feature, and advertising content of
41 school-sponsored media. This subsection shall not be construed to
42 prevent a student media adviser from teaching professional standards
43 of English and journalism to student journalists.

44 (2) An employee or agent of an entity creating or distributing
45 public media produced at a public institution of higher education has

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the right to exercise freedom of speech and of the press in public
2 media. An employee or agent is responsible for determining the
3 news, opinion, feature, and advertising content of such public media.

4 Public media produced at a public institution of higher education
5 shall not be subject to prior review by public officials of the
6 institution.

7 c. This section does not authorize or protect expression by a
8 student that:

9 (1) is libelous or slanderous;

10 (2) constitutes an unwarranted invasion of privacy;

11 (3) is profane or obscene;

12 (4) violates federal or State law; or

13 (5) so incites students as to create a clear and present danger of
14 the commission of an unlawful act, the violation of policies of the
15 public institution of higher education, or the material and substantial
16 disruption of the orderly operation of the institution.

17 d. An employee of a public institution of higher education shall
18 not be dismissed, suspended, disciplined, reassigned, transferred, or
19 otherwise retaliated against solely for acting to protect a student
20 engaged in the conduct authorized under this section, or refusing to
21 infringe upon conduct that is protected by this section, the First
22 Amendment to the United States Constitution, or paragraph 6 of
23 Article I of the New Jersey Constitution.

24 e. Expression made by an employee or agent of an entity creating
25 or distributing public media produced at a public institution of higher
26 education, student journalist, or student media advisor shall not be
27 construed to be an expression of campus policy or speech attributable
28 to the public institution of higher education.

29 f. An employee or agent of an entity creating or distributing public
30 media produced at a public institution of higher education, student
31 journalist, or student media advisor may commence a civil action to
32 obtain appropriate injunctive and declaratory relief as determined by
33 a court of competent jurisdiction for violation of this section by a
34 public institution of higher education. Upon motion, a court may
35 award attorney's fees to a prevailing party in a civil action brought
36 under this section.

37 (cf: P.L.2021, c.309, s.3)

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39 2. This act shall take effect immediately.
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42 STATEMENT

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44 This bill concerns the speech rights of student journalists and
45 employees or agents of an entity creating public media at a public
46 institution of higher education.

47 Current law guarantees certain freedom of expression rights for
48 student journalists at public institutions of higher education and

1 certain employees acting to protect students' rights to freedom of
2 expression. The bill establishes a similar right to exercise freedom
3 of speech and of the press in public media for an employee or agent
4 of an entity creating or distributing public media produced at a public
5 institution of higher education

6 The bill provides that public media produced at a public institution
7 of higher education cannot be subject to prior review by public
8 officials of the institution.

9 The bill provides that expression made by an employee or agent
10 of an entity creating or distributing public media produced at a public
11 institution of higher education, student journalist, or student media
12 advisor is not to be construed to be an expression of campus policy
13 or speech attributable to the public institution of higher education.

14 The bill provides that an employee or agent of an entity creating
15 or distributing public media produced at a public institution of higher
16 education, student journalist, or student media advisor may
17 commence a civil action to obtain appropriate injunctive and
18 declaratory relief as a determined by a court for violation of this
19 section of law by a public institution of higher education. Upon
20 motion, a court may award attorney's fees to a prevailing party in a
21 civil action brought under this section.