



Section 18—9—122(3) is also a valid time, place, and manner regulation under *Ward*, for it is “narrowly tailored” to serve the State’s significant and legitimate governmental interests and it leaves open ample alternative communication channels. When a content-neutral regulation does not entirely foreclose any means of communication, it may satisfy the tailoring requirement even though it is not the least restrictive or least intrusive means of serving the statutory goal. The 8-foot zone should not have any adverse impact on the readers’ ability to read demonstrators’ signs. That distance can make it more difficult for a speaker to be heard, but there is no limit on the number of speakers or the noise level. *Id.* does the statute suffer from the failings of the “floating buffer zone” rejected in *Schenck*. The zone here allows the speaker to communicate at a “normal conversational distance,” 519 U.S., at 377, and to remain in one place while other individuals pass within eight feet. And the “knowing” requirement protects speakers who thought they were at the proscribed distance from inadvertently violating the statute. Whether the 8-foot interval is the best possible accommodation of the competing interests, deference must be accorded to the Colorado Legislature’s judgment. The burden on the distribution of handbills is more serious, but the statute does not prevent a leafletter from simply standing near the path of oncoming pedestrians and proffering the material, which pedestrians can accept or decline. See *Heffron v. International Soc. for Krishna Consciousness, Inc.*, 452 U.S. 640. Pp. 21—25.

Section 18—9—122(3) is not overbroad. First, the argument that coverage is broader than the specific concern that led to the statute’s enactment does not identify a constitutional defect. It is precisely because the state legislature made a general policy choice that the statute is assessed under *Ward* rather than a stricter standard. Second, the argument that the statute bans virtually the universe of protected expression is based on a misreading of the statute and an incorrect understanding of the overbreadth doctrine. The statute does not ban any forms of communication, but regulates the places where communications may occur; and petitioners have not, as the doctrine requires, persuaded the Court that the statute’s impact on the conduct of other speakers will differ from its impact on their own sidewalk counseling, see *Broadrick v. Oklahoma*, 413 U.S. 601, 612, 615. Pp. 25—27.

e) Nor is §18—9—122(3) unconstitutionally vague, either because it fails to provide people with ordinary intelligence a reasonable opportunity to understand what it says or because it authorizes or encourages arbitrary and discriminatory enforcement, *Chicago v. Morales*, 527 U.S. 41, 56—57.

(f) Finally, §18—9—122(3)’s consent requirement does not impose a prior restraint on speech. This argument was rejected in both *Schenck* and *Madsen*. Furthermore, “prior restraint” concerns relate to restrictions imposed by official censorship, but the regulations here only apply if the pedestrian does not consent to the approach. Pp. 29—30.

973 P.2d 1246, affirmed.

Texas v. Johnson  
(1989)

<https://www.billofrightsinstitute.org/educate/educator-resources/landmark-cases/freedom-of-speech-general/>

Is the desecration of an American flag, by burning or otherwise, a form of speech that is protected under the First Amendment?

In a 5

STATE					
Penal Code 415	Disturbing the peace				

a)

	LOCAL				
CSULB Regulation IX	POLICY ON TIME, PLACE AND MANNER OF FREE EXPRESSION				