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January 29, 2025

RE: HOUSE BILL NO. 1197 "The Safe Solicitation Act"

Dear Representative:

I hope you are well. I know there are a great many issues taking up your time, but I felt it important to write to you about HB 1197 (The Safe Solicitation Act).

I won't go into whether it is wise policy to force needy individuals, who have little to no access to social services, to apply to municipal officials for a license to ask for money or food near public streets.

But when it comes to the bill's legality, HB 1197 unlawfully infringes on the constitutional right to freedom of speech and threatens to penalize indigent people for their poverty.

As written, the Safe Solicitation Act is a content-based restriction on speech and thus strict scrutiny applies under *Reed v. Town of Gilbert*. This bill only applies to people that "request money or anything of value as a donation or contribution;" it does not apply to someone standing on the street asking you to come to their business or to vote for someone or to accept Jesus or to anything else.

The restrictions in the bill cannot survive strict scrutiny.

The time limits (9am to 1 hour before sunset) and the limit of 1 permit per intersection per day are overbroad. There is no stated government interest, but even assuming one – public safety, e.g., which is likely the reason should they be forced to provide one – these limits are not narrowly tailored to achieve public safety. There is no way to show that every intersection in the entire state is more dangerous at night than during the day or that more than 1 person at every intersection in the state creates a public safety issue.

The government cannot burden speech by charging a fee that some people may not be able to afford. That would result in people with money having more rights than people without. Any fee no matter how small could prevent a homeless person from exercising their 1A rights; there must be an exception to this fee to ensure everyone can engage in 1A protected activity.

Requiring a permit each day that someone wants to go ask for money on the street is also likely not narrowly tailored to achieve public safety. This burden could prevent people from exercising their rights because people may not be able to get a permit every day. The city could, e.g., grant monthly permits rather than daily.

In short, this law is vastly overbroad, not narrowly tailored, and would fail strict scrutiny.

We ask that you not support this legislation because it will result in unnecessary litigation and do nothing to help struggling Mississippians in need of assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "JD", written over a white background.

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