

The House Committee on Higher Education offers the following substitute to HB 95:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to other educational programs, so as to provide a cause of action against
3 certain persons in favor of certain colleges and universities and student athletes for violations
4 of college athletic recruitment rules and regulations; to provide for damages, costs, attorney's
5 fees, and injunctive relief; to provide for certain required disclosures for all student-athletes
6 in high schools in this state; to provide for criminal penalties; to provide for related matters;
7 to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
11 relating to other educational programs, is amended by adding new Code Sections 20-2-317
12 and 20-2-318 to read as follows:

13 "20-2-317.

14 (a) As used in this Code Section, the term:

15 (1) 'Immediate family' shall mean a student-athlete's spouse, child, parent, stepparent,
16 grandparent, grandchild, brother, sister, mother-in-law, father-in-law, sister-in-law,
17 brother-in-law, nephew, niece, aunt, uncle, first cousin, and the spouses and guardians of
18 any such individuals.

19 (2) 'Person' shall mean an individual, corporation, business trust, estate, trust,
20 partnership, limited liability company, association, joint venture, firm, or any other legal
21 or commercial entity.

22 (3) 'Student-athlete' shall mean a student at any public or private institution of
23 postsecondary education in this state or a student residing in this state who has applied,
24 is eligible to apply, or may be eligible to apply in the future to a public or private
25 institution of postsecondary education who engages in, is eligible to engage in, or may
26 be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program.

1 (b) Except as provided in subsection (c) of this Code section, no person shall give, offer,
 2 promise, or attempt to give any money or other thing of value to a student-athlete or
 3 member of a student-athlete's immediate family:

4 (1) To induce, encourage, or reward the student-athlete's application, enrollment, or
 5 attendance at a public or private institution of postsecondary education in order to have
 6 the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs
 7 at that institution; or

8 (2) To induce, encourage, or reward the student-athlete's participation in an
 9 intercollegiate sporting event, contest, exhibition, or program.

10 (c) This Code section shall not apply to:

11 (1) Any public or private institution of postsecondary education or to any officer or
 12 employee of such institution when the institution or officer or employee of such
 13 institution is acting in accordance with an official written policy of such institution which
 14 is in compliance with the bylaws of the National Collegiate Athletic Association;

15 (2) Any intercollegiate athletic awards approved or administered by the student-athlete's
 16 institution;

17 (3) Grants-in-aid or other full or partial scholarships awarded to a student-athlete or
 18 administered by an institution of postsecondary education;

19 (4) Members of the student-athlete's immediate family; and

20 (5) Money or things of value given by a person to a student-athlete or the immediate
 21 family of a student-athlete that do not exceed \$250.00 in value in the aggregate on an
 22 annual basis.

23 (d) Any person that violates the provisions of subsection (b) of this Code section shall be
 24 guilty of a misdemeanor of a high and aggravated nature.

25 (e) Each public and private high school in this state shall advise in writing at the beginning
 26 of each sports season each student who participates in any athletic program sponsored by
 27 the school of the provisions of this Code section and shall provide each student with
 28 information concerning the effect of receiving money or other things of value on the
 29 student's future eligibility to participate in intercollegiate athletics. The provisions of this
 30 subsection shall not apply to intermural athletic programs at such schools.

31 20-2-318.

32 (a) As used in this Code Section, the term:

33 (1) 'Immediate family' shall mean a student-athlete's spouse, child, parent, stepparent,
 34 grandparent, grandchild, brother, sister, mother-in-law, father-in-law, sister-in-law,
 35 brother-in-law, nephew, niece, aunt, uncle, first cousin, and the spouses and guardians of
 36 any such individuals.

1 (2) 'Person' shall mean an individual, corporation, business trust, estate, trust,
2 partnership, limited liability company, association, joint venture, firm, or any other legal
3 or commercial entity.

4 (3) 'Student-athlete' shall mean a student at any public or private institution of
5 postsecondary education in this state or a student residing in this state who has applied,
6 is eligible to apply, or may be eligible to apply in the future to a public or private
7 institution of postsecondary education who engages in, is eligible to engage in, or may
8 be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program.

9 (b) Each public and private institution of postsecondary education located in this state that
10 participates or engages in intercollegiate athletics shall have a right of action against any
11 person who engages in any activity concerning student-athletes that results in the institution
12 being penalized, disqualified, or suspended from participation in intercollegiate athletics
13 by a national association for the promotion and regulation of intercollegiate athletics, by
14 an athletic conference or other sanctioning body, or by reasonable self-imposed
15 disciplinary action taken by such institution to mitigate sanctions likely to be imposed by
16 such organizations as a result of such activity. The institution shall be entitled to recover
17 all damages which are directed related to or which flow from and are reasonably related
18 to such improper activity and to such penalties, disqualifications, and suspensions.
19 Damages shall include, but not be limited to, loss of scholarships, loss of television
20 revenue, loss of bowl revenue, and legal and other fees associated with the investigation
21 of the activity and the representation of the institution before the sanctioning organizations
22 in connection with the investigation and resolution of such activity. If the institution is the
23 prevailing party in its cause of action, it shall be entitled to an award of court costs, costs
24 of litigation, and reasonable attorney's fees. The institution may also request and the court
25 may enter an injunction against any person found liable from having any further contact
26 with the institution, its student-athletes, and student-athletes who have expressed or might
27 express an interest in attending the institution and from attending athletic contests,
28 exhibitions, games, or other such events in which one or more of the institution's
29 student-athletes is participating. The right of action and remedies under this Code section
30 are in addition to all other rights of action which may be available to the institution."

31 SECTION 2.

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
33 without such approval.

34 SECTION 3.

35 All laws and parts of laws in conflict with this Act are repealed.