

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons  
2 and their rights, so as to prohibit governmental entities in this state from restricting or  
3 prohibiting a public employee or public school student from verbal expressions relating to  
4 the celebration or observance of any public or legal holiday; to provide for legislative  
5 findings; to provide for construction; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

8 Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their  
9 rights, is amended by adding a new Code Section 1-2-12 to read as follows:

10 "1-2-12.

11 (a) The General Assembly finds and determines that:

12 (1) The First Amendment to the United States Constitution provides that 'Congress shall  
13 make no law respecting an establishment of religion, or prohibiting the free exercise  
14 thereof; or abridging the freedom of speech...';

15 (2) The rights secured under the First Amendment to the United States Constitution have  
16 been interpreted by the courts of the United States to be applicable to the states through  
17 the due process clause of the Fourteenth Amendment;

18 (3) The United States Supreme Court has held that minors possess First Amendment  
19 rights and that students do not 'shed their constitutional rights to freedom of speech or  
20 expression at the schoolhouse gate';

21 (4) The United States Supreme Court has also held, however, that these rights are not  
22 immunized from restriction and that behavior that 'materially disrupts classwork or  
23 involves substantial disorder or invasion of the rights of others' may be curtailed by  
24 schools;  
25

1 (5) Article I, Section I, Paragraphs III and IV of the state Constitution provide rights to  
2 freedom of religion; and

3 (6) Article I, Section I, Paragraph V of the state Constitution provides the right to  
4 freedom of speech.

5 (b) No department or agency of the state and no county, municipality, local board of  
6 education, or other political subdivision of the state shall adopt or implement any policy  
7 which would restrict or prohibit a public employee or public school student from verbal  
8 expressions relating to the celebration or observance of any public or legal holiday, as  
9 provided in Code Section 1-4-1, in personal intercommunication with other public  
10 employees or public school students.

11 (c) Nothing in this Code section shall be construed to impair any ability that a local board  
12 of education may have to adopt and implement reasonable regulations to prevent behavior  
13 which materially disrupts classwork or involves substantial disorder or invasion of the  
14 rights of others."

15 **SECTION 2.**

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