

Senate Bill 369 **PRE-FILE**

By: Senators Chance of the 16th, Tolleson of the 20th and Hill of the 32nd

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:**

8 **SECTION 1.**

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

11 "1-2-12.

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

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

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

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

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

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.