

House Bill 51

By: Representatives Ehrhart of the 36<sup>th</sup>, Golick of the 40<sup>th</sup>, Quick of the 117<sup>th</sup>, and Kelley of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to definitions, so as to provide for the manner of reporting and investigation of  
3 certain crimes by officials and employees of postsecondary institutions in this state; to  
4 provide for a definition; to provide for penalties for violations; to provide for exceptions; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to  
9 definitions, is amended by designating the existing text as Part 1 and adding a new part to  
10 read as follows:

11 "Part 2

12 20-3-10.

13 (a) As used in this part, the term 'postsecondary institution' means a school which is:

14 (1) A unit of the University System of Georgia;

15 (2) A branch of the Technical College System of Georgia;

16 (3) A private independent nonproprietary postsecondary institution eligible for tuition  
17 equalization grants in accordance with the provisions of subparagraph (A) of  
18 paragraph (2) of Code Section 20-3-411; or

19 (4) A private proprietary postsecondary institution eligible for tuition equalization grants  
20 in accordance with the provisions of subparagraph (B) of paragraph (2) of Code  
21 Section 20-3-411.

22 (b) Every official or employee of a postsecondary institution in this state who receives  
23 information which would lead such individual to believe that a crime which is a felony  
24 under the laws of this state has been committed by or against a student of such  
25 postsecondary institution or was committed in or on property owned, leased, or operated  
26 by such postsecondary institution shall promptly report such crime to the appropriate law

27 enforcement agency of the jurisdiction in which the postsecondary institution is located or  
28 to the district attorney of the judicial circuit in which such postsecondary institution is  
29 located and provide all evidence within such official's or employee's knowledge and  
30 possession to such law enforcement agency or district attorney. Such law enforcement  
31 agency or district attorney shall then determine whether to investigate and prosecute such  
32 alleged criminal offense. No investigation of such matter shall be undertaken by the  
33 postsecondary institution unless such investigation is done by a campus law enforcement  
34 agency staffed by law enforcement officers who are certified peace officers by the Georgia  
35 Peace Officer Standards and Training Council. In addition, the postsecondary institution  
36 shall not pursue any final disciplinary action against any student alleged to have committed  
37 a crime which would be a felony under the laws of this state until and unless such student  
38 is found guilty of, enters a plea of nolo contendere to, or is sentenced under Article 3 of  
39 Chapter 8 of Title 42, regarding first offender probation, for such crime; provided,  
40 however, that the postsecondary institution may suspend a student from such postsecondary  
41 institution while felony criminal charges are pending if the postsecondary institution finds,  
42 following a due process hearing, that allowing the student to continue at the postsecondary  
43 institution poses an immediate threat to the life, health, or safety of the student body.  
44 (c) This Code section shall not supercede federal statutes or properly promulgated federal  
45 regulations to the contrary but shall apply in the case of federal guidance letters and other  
46 expressions of opinion regarding policies by federal agencies."

47 **SECTION 2.**

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