

House Bill 602

By: Representatives Fleming of the 114th, Barrett of the 24th, Scoggins of the 14th, Carpenter of the 4th, Kelley of the 16th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to education, so as to provide for the denial of state funds for
3 loans, grants, and scholarships for any student who is convicted of a the criminal offense or
4 who is determined by the postsecondary educational institution at which such student is
5 enrolled to have violated a postsecondary educational institution's code of conduct for
6 students when such conviction or determination is a result of a student engaging in materially
7 and substantially disruptive conduct on such postsecondary educational institution's campus;
8 to provide definitions; to provide that the Georgia Student Finance Commission shall
9 promulgate rules and regulations; to provide for compliance by postsecondary educational
10 institutions; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general
14 provisions relative to education, is amended by adding a new article to read as follows:

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15 "ARTICLE 5

16 20-1-50.

17 As used in this article, the term:

18 (1) 'Academic year' means a period of time, typically nine months, in which a full-time
19 student is expected to complete the equivalent of at least two semesters or three quarters
20 of academic work.

21 (2) 'Campus' means the grounds and buildings owned or occupied by a postsecondary
22 educational institution.

23 (3) 'Convicted' or 'conviction' refers to a plea of guilty, a finding of guilty by a court of
24 competent jurisdiction, or the acceptance of a plea of nolo contendere or affording of first
25 offender treatment by a court of competent jurisdiction, irrespective of the pendency or
26 availability of any appeal or application for collateral relief.

27 (4) 'Criminal offense' means any criminal offense under Title 16 or any offense under
28 federal law.

29 (5) 'Date of conviction' means the date on which the trial court determines guilt and
30 enters judgment thereon or the date on which the court accepts a plea of nolo contendere
31 or formally allows a person to receive first offender treatment.

32 (6) 'Harassment' means unwelcome conduct or expressive activity directed at a student,
33 administrator, faculty, staff, or visitor on campus that is so severe, pervasive, and
34 objectively offensive that he or she is effectively denied equal access to opportunities or
35 benefits provided by the postsecondary educational institution.

36 (7)(A) 'Materially and substantially disruptive conduct' means a person intentionally
37 engaging in conduct or expressive activity which such person knows or reasonably
38 should have known would significantly hinder another person's or group's expressive
39 activity, prevent the communication of the person's or group's message, or prevent the
40 transaction of the business of a lawful meeting, gathering, or procession by:

- 41 (i) Engaging in fighting, violence, or other unlawful behavior;
42 (ii) Damaging or defacing property;
43 (iii) Physically blocking, using threats of violence, or creating loud or sustained noise
44 or vocalization intended to prevent any person from attending, listening to, viewing,
45 or otherwise participating in an expressive activity;
46 (iv) Occupying or materially disrupting the ingress, egress, or use of campus facilities
47 without consent of the postsecondary educational institution;
48 (v) Materially violating reasonable time, place, and manner restrictions made by the
49 postsecondary educational institution; or
50 (vi) Engaging in harassment at the postsecondary educational institution.
51 (B) Conduct or expressive activity shall not be considered materially and substantially
52 disruptive conduct if it is protected under the Georgia Constitution or the First
53 Amendment to the United States Constitution, including, but not limited to, lawful
54 protests in an unrestricted outdoor area of campus, except during times when such areas
55 have been reserved in advance for other events, or minor, brief, or fleeting nonviolent
56 disruptions of events that are isolated and short in duration.
57 (8) 'Postsecondary educational institution' shall have the same meaning as 'eligible
58 postsecondary institution' as set forth in Code Section 20-3-519.
59 (9) 'Student' means any person who is enrolled as a student in courses for academic
60 credit on a full-time, part-time, temporary, or intermittent basis in any postsecondary
61 educational institution.

62 20-1-51.

- 63 (a) Any student who is convicted of a criminal offense and any student who is determined
64 by a postsecondary educational institution to have violated such postsecondary educational
65 institution's code of conduct for students, when such conviction or determination is the
66 result of a student engaging in materially and substantially disruptive conduct on the

67 campus of such postsecondary educational institution, shall as of the date of such
68 conviction or determination be denied state funds for any loans, grants, or scholarships
69 provided for in Article 7 of Chapter 3 of this title.

70 (b) Such denial of state funds shall be effective as of the first day of the term, quarter,
71 semester, or other similar period for which such student was enrolled immediately
72 following the date of such conviction or determination and shall continue for a period of
73 two academic years.

74 (c) Any postsecondary educational institution operating within this state that receives state
75 funds shall agree to comply with this article in order to be eligible for its students to receive
76 state funds for any loans, grants, or scholarships provided for in Article 7 of Chapter 3 of
77 this title.

78 20-1-52.

79 The Georgia Student Finance Commission, in consultation with the University System of
80 Georgia and the Technical College System of Georgia, shall promulgate rules and
81 regulations necessary to carry out the provisions of this article. Such rules and regulations
82 shall provide for relief from sanctions previously imposed under this article against a
83 person whose conviction or determination that he or she violated the applicable code of
84 conduct is subsequently overturned on appeal or through collateral relief."

85 **SECTION 2.**

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