

The House Committee on Higher Education offers the following substitute to HB 602:

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 criminal offense when  
4 such conviction is the result of a student engaging in materially and substantially disruptive  
5 conduct on such postsecondary educational institution's campus; to provide definitions; to  
6 provide that the Georgia Student Finance Commission shall promulgate rules and  
7 regulations; to provide for compliance by postsecondary educational institutions; to provide  
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

H. B. 602 (SUB)

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"ARTICLE 514 20-1-50.15 As used in this article, the term:16 (1) 'Campus' means the grounds and buildings owned or occupied by a postsecondary  
17 educational institution.18 (2) 'Convicted' or 'conviction' refers to a plea of guilty, a finding of guilty by a court of  
19 competent jurisdiction, or the acceptance of a plea of nolo contendere or affording of first  
20 offender treatment by a court of competent jurisdiction, irrespective of the pendency or  
21 availability of any appeal or application for collateral relief.22 (3) 'Criminal offense' means any criminal offense under Title 16 or any offense under  
23 federal law.24 (4) 'Date of conviction' means the date on which the trial court determines guilt and  
25 enters judgment thereon or the date on which the court accepts a plea of nolo contendere  
26 or formally allows a person to receive first offender treatment.27 (5) 'Harassment' means unwelcome conduct or expressive activity directed at a student,  
28 administrator, faculty, staff, or visitor on campus that is so severe, pervasive, and  
29 objectively offensive that he or she is effectively denied equal access to educational  
30 opportunities or any other benefits provided by the postsecondary educational institution.31 (6)(A) 'Materially and substantially disruptive conduct' means a person intentionally  
32 engaging in conduct or expressive activity which such person knows or reasonably  
33 should have known would significantly hinder another person's or group's expressive  
34 activity, prevent the communication of the person's or group's message, or prevent the  
35 transaction of business of a lawful meeting, gathering, or procession by:36 (i) Engaging in fighting, violence, or other unlawful behavior;37 (ii) Damaging or defacing property;

38 (iii) Physically blocking, using threats of violence, or creating loud or sustained noise  
39 or vocalization intended to prevent any person from attending, listening to, viewing,  
40 or otherwise participating in an expressive activity;

41 (iv) Occupying or materially disrupting the ingress, egress, or use of campus facilities  
42 without consent from the postsecondary educational institution; or

43 (v) Engaging in harassment at the postsecondary educational institution.

44 (B) Conduct or expressive activity shall not be considered materially and substantially  
45 disruptive conduct if it is protected under the Georgia Constitution or the First  
46 Amendment to the United States Constitution, including, but not limited to, lawful  
47 protests in an unrestricted outdoor area of campus, except during times when such areas  
48 have been reserved in advance for other events, or minor, brief, or fleeting nonviolent  
49 disruptions of events that are isolated and short in duration.

50 (7) 'Postsecondary educational institution' shall have the same meaning as 'eligible  
51 postsecondary institution' as set forth in Code Section 20-3-519.

52 (8) 'Student' means any person who is enrolled as a student in courses for academic  
53 credit on a full-time, part-time, temporary, or intermittent basis in any postsecondary  
54 educational institution.

55 20-1-51.

56 (a) Any student who is convicted of a criminal offense, when such conviction is the result  
57 of a student engaging in materially and substantially disruptive conduct on the campus of  
58 such postsecondary educational institution, shall as of the date of conviction be denied state  
59 funds for any loans, grants, or scholarships provided for in Article 7 of Chapter 3 of this  
60 title.

61 (b) Such denial of state funds shall be effective as of the first day of the term, quarter,  
62 semester, or other similar period for which such student was enrolled immediately

63 following the date of conviction and shall continue through the end of the next such term,  
64 quarter, semester, or other similar period.

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

69 20-1-52.

70 The Georgia Student Finance Commission, in consultation with the University System of  
71 Georgia and the Technical College System of Georgia, shall promulgate rules and  
72 regulations necessary to carry out the provisions of this article. Such rules and regulations  
73 shall provide for relief from sanctions previously imposed under this article against a  
74 person whose conviction is subsequently overturned on appeal or through collateral relief."

75 **SECTION 2.**

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