

Senate Bill 85

By: Senators Albers of the 56th, Strickland of the 17th, Miller of the 49th, Kennedy of the 18th, Hufstetler of the 52nd and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to reckless conduct, so as to provide for an expanded definition of hazing; to provide
3 for and revise definitions; to amend Chapter 1 of Title 20 of the Official Code of Georgia
4 Annotated, relating to general provisions regarding education, so as to provide for mandatory
5 reports of hazing related violations at schools in the state; to provide for a short title; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Max Gruver Act."

10 **SECTION 2.**

11 Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
12 reckless conduct, is amended by revising Code Section 16-5-61, relating to hazing, as
13 follows:

14 "16-5-61.

15 (a) As used in this Code section, the term:

(1) 'Haze' or 'hazing' means to subject a student to an activity which endangers or is likely to endanger the physical health of a student; or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness regardless of a student's willingness to participate in such activity.

(2) 'School' means any unit of the University System of Georgia, any unit of the Technical College System of Georgia, or any private postsecondary school, college, or university in this state.

(3) 'School organization' means any association, corporation, order, club, society, fraternity, sorority, athletic team, or a group living together which has students or alumni as its principal members, including local affiliate organizations.

(4) 'Student' means any person enrolled or prospectively enrolled in a school in this state.

(b) It shall be unlawful for any person to haze any student in connection with or as a condition or precondition of gaining acceptance, membership, office, or other status in a school organization.

(c) Any person who violates this Code section shall be guilty of a misdemeanor of a high and aggravated nature."

SECTION 3.

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

"ARTICLE 3

20-1-30.

(a) As used in this Code section, the term:

(1) 'Hazing' shall have the same meaning as provided for under Code Section 16-5-61.

(2) 'School' shall have the same meaning as provided for under Code Section 16-5-61.

(3) 'School organization' shall have the same meaning as provided for under Code Section 16-5-61.

(4) 'Student' shall have the same meaning as provided for under Code Section 16-5-61.

(b) Not later than July 1, 2021, each school shall establish policies to facilitate the:

(1) Reporting, investigation, provision of due process, and administrative adjudication of alleged incidents of hazing as related to students and student organizations; and

(2) Public disclosure of administrative adjudications of hazing or hazing related convictions within 15 calendar days of final adjudication or public notice of criminal conviction.

(c) The public disclosure of each incident of hazing adjudicated pursuant to subsection (b) of this Code section, criminal convictions for hazing pursuant to Code Section 16-5-61, and other criminal convictions arising from any incident of hazing shall require the following minimum information be posted prominently on the school's website for a period of not less than five years after final adjudication or conviction:

(1) The name of any school organization involved;

(2) The date or dates on which the hazing occurred; and

(3) A description of the specific hazing related findings, sanctions, adjudications, and convictions for any person or school organization.

(d) Public disclosure provided pursuant to subsection (c) of this Code section shall not include the personal identifying information of any individual student and shall be subject to the requirements of the Family Education Rights and Privacy Act (FERPA), 20 USC 1232g."

SECTION 4.

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