

15 "16-5-61.

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

17 (1) 'Alcohol' means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from
18 whatever source or by whatever process produced.

19 (2) 'Alcoholic liquid' means any liquid which contains alcohol in any form, including
20 distilled spirits, beer, malt beverages, wine, or fortified wine.

21 ~~(1)~~(3) 'Haze' or 'hazing' means to force or subject a minor or student to perform an
22 activity which endangers or is likely to endanger the physical health of a student,
23 regardless of a student's willingness to participate in such activity, or mental health of the
24 minor or student or which causes or is likely to cause the minor or student to:

25 (A) Violate federal or state law;

26 (B) Consume any food, liquid, alcoholic liquid, drug, or other substance in a manner
27 which subjects the minor or student to a substantial risk of emotional, mental, or
28 physical harm, including sickness, vomiting, intoxication, or unconsciousness;

29 (C) Experience threatened or actual physical injury, including injury resulting from
30 whipping, beating, paddling, branding, or dangerous physical activity, which results in
31 medically verifiable physical harm or severe emotional distress; or

32 (D) Perform or endure physical activity, including, but not limited to, sleep
33 deprivation, exposure to the elements, confinement in a small space, or calisthenics,
34 that subjects the other person to an unreasonable risk of harm or that adversely affects
35 the physical health or safety of the individual or causes severe emotional distress.

36 (4) 'Local affiliate organization' means a school organization that is chartered or
37 recognized by a national organization.

38 (5) 'Local organization' means a school organization that is not chartered or recognized
39 by a national organization.

40 (6) 'Minor' means any person under the age of 18 years.

41 (7) 'National organization' means a school organization that is a separate legal entity
42 from a local affiliate organization which may charter or recognize local affiliate
43 organizations at one or more schools.

44 (8) 'Postsecondary educational institution' means a school which is:

45 (A) A unit of the University System of Georgia;

46 (B) A unit of the Technical College System of Georgia; or

47 (C) An independent or private college or university located in Georgia and eligible to
48 be deemed an approved school pursuant to paragraph (2) of Code Section 20-3-411.

49 ~~(2)~~(9) 'School' means any public or private school, college, or university, or secondary
50 school in this state.

51 ~~(3)~~(10) 'School organization' means any club, society, fraternity, sorority, or a group
52 living together which has students as its principal members association; corporation;
53 order; club; society; fraternity; sorority; interscholastic, intercollegiate, or club athletic
54 team; group living together which has students as its principal members; or similar group
55 whose members are primarily students or alumni of a school, including local affiliate
56 organizations.

57 (11) 'Serious bodily injury' includes, but is not limited to, incapacitation which results
58 from or is in conjunction with the consumption of alcoholic liquid and which requires
59 emergency medical attention or which results in a blood alcohol concentration of 0.25
60 grams or more.

61 ~~(4)~~(12) 'Student' means any person attending or enrolled in a school in this state or who
62 has been accepted for admission to the school where the hazing incident occurred which
63 gives rise to an offense under this Code section.

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

67 (c) Except as provided for in subsections (d) and (e) of this Code section, any person who
68 commits the offense of hazing ~~Any person who violates this Code section shall, upon~~
69 conviction thereof, be guilty of a misdemeanor of a high and aggravated nature and shall
70 be punished by imprisonment for not more than 12 months or a fine not to exceed
71 \$5,000.00, or both.

72 (d)(1) Any person who, with the element of force, commits the offense of hazing against
73 a minor or student who suffers serious bodily injury as a result of such hazing shall, upon
74 conviction thereof, be guilty of a felony and shall be punished by imprisonment for not
75 less than one nor more than five years or a fine not to exceed \$50,000.00, or both.

76 (2) Any person who, with the element of force, commits the offense of hazing against
77 a minor or student who suffers death as a result of such hazing shall, upon conviction
78 thereof, be guilty of a felony and shall be punished by imprisonment for not less than one
79 nor more than ten years or a fine not to exceed \$50,000.00, or both.

80 (e)(1) Any person who directs, encourages, participates in, or engages in a prolonged
81 observation of an act of alleged hazing which results in an injury to another person shall,
82 to the extent possible without danger or peril to himself or herself or another, give
83 reasonable assistance to the injured person, including by requesting medical attention for
84 the injured person directly to a health services provider, law enforcement official, or
85 school official or by contacting 9-1-1 or a similar emergency service.

86 (2) A person who fails to render reasonable assistance as required by this subsection
87 shall, upon conviction, be guilty of a misdemeanor of a high and aggravated nature and
88 shall be punished by imprisonment for not more than 12 months or a fine not to exceed
89 \$5,000.00, or both.

90 (f)(1) Expressed or implied consent of the minor or student who is the subject of hazing
91 shall not be a defense to the offense of hazing.

92 (2) The fact that the acts or omissions which constituted the hazing were sanctioned,
93 approved, or treated as traditional or customary by the school organization, local

94 organization, local affiliate organization, national organization, or school shall not be a
95 defense to the offense of hazing.

96 (g)(1) A person acting in good faith and in a timely manner who reports or participates
97 in reporting an allegation of hazing to a law enforcement official or a school official upon
98 learning of the hazing and who takes reasonable steps to prevent the hazing shall not be
99 subject to civil or criminal liability arising from the reported hazing incident.

100 (2) A person acting in good faith and in a timely manner shall not be subject to
101 administrative, civil, or criminal liability related to alcohol or drug possession,
102 consumption, or distribution if a law enforcement official or school official has contact
103 with the person because the person:

104 (A) Requests emergency medical attention for himself or herself or another person who
105 needs or appears to need medical attention because of an injury or alcohol or drug
106 consumption related to alleged hazing;

107 (B) Acts in concert with another person who requests emergency medical attention for
108 himself or herself or another person who needs or appears to need medical attention
109 because of an injury or alcohol or drug consumption related to alleged hazing; or

110 (C) Appears to be in need of emergency medical attention because of an injury or
111 alcohol or drug consumption related to alleged hazing.

112 (3) A physical activity that is normal, customary, and necessary for a person's training
113 and participation in an athletic, physical education, military training, or similar program
114 sanctioned by the postsecondary educational institution shall not be considered hazing
115 for purposes of this Code section.

116 (h) The Attorney General is authorized to bring a civil action against the governing board
117 of a local organization, local affiliate organization, or national organization when an
118 employee, agent, official, or governing board member of such organization knowingly
119 directed, authorized, or permitted activities which resulted in hazing; knowingly failed
120 to attempt to prevent or otherwise intervene in activities which resulted in hazing;

121 knowingly failed to timely report an allegation of hazing to a law enforcement official or
 122 a school official; or knowingly directed or authorized a person with direct knowledge of
 123 an alleged hazing to refrain from reporting such alleged hazing to a law enforcement
 124 official or a school official. The imposition of a civil penalty under this subsection shall
 125 not bar any criminal prosecution under this Code section."

126 **SECTION 3.**

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

129 "ARTICLE 3

130 20-1-30.

131 As used in this article, the term:

132 (1) 'Alcohol' means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from
 133 whatever source or by whatever process produced.

134 (2) 'Alcoholic liquid' means any liquid which contains alcohol in any form, including
 135 distilled spirits, beer, malt beverages, wine, or fortified wine.

136 (3) 'Hazing' means to force or subject a minor or student to perform an activity which
 137 endangers or is likely to endanger the physical or mental health of the minor or student
 138 or which causes or is likely to cause the minor or student to:

139 (A) Violate federal or state law;

140 (B) Consume any food, liquid, alcoholic liquid, drug, or other substance in a manner
 141 which subjects the minor or student to a substantial risk of emotional, mental, or
 142 physical harm, including sickness, vomiting, intoxication, or unconsciousness;

143 (C) Experience threatened or actual exposure to physical injury, including injury
 144 resulting from whipping, beating, paddling, branding, dangerous physical activity, or

145 exposure to elements, which exposure results in medically verifiable mental or physical
146 harm; or

147 (D) Experience threatened or actual exposure to mental injury, including injury
148 resulting from activity adversely affecting the mental health or dignity of the individual,
149 sleep deprivation, exclusion from social contact, or conduct that could result in extreme
150 embarrassment, which exposure results in medically verifiable mental or physical harm.

151 (4) 'Local affiliate organization' means a school organization that is chartered or
152 recognized by a national organization.

153 (5) 'Minor' means any person under the age of 18 years.

154 (6) 'National organization' means a school organization that is a separate legal entity
155 from a local affiliate organization which may charter or recognize local affiliate
156 organizations at one or more schools.

157 (7) 'Postsecondary educational institution' means a school which is:

158 (A) A unit of the University System of Georgia;

159 (B) A unit of the Technical College System of Georgia; or

160 (C) An independent or private college or university located in Georgia and eligible to
161 be deemed an approved school pursuant to paragraph (2) of Code Section 20-3-411.

162 (8) 'School organization' means any association; corporation; order; club; society;
163 fraternity; sorority; interscholastic, intercollegiate, or club athletic team; group living
164 together which has students as its principal members; or similar group whose members
165 are primarily students or alumni of a school, including local affiliate organizations.

166 (9) 'Student' means any person attending or enrolled in a school in this state or who has
167 been accepted for admission to the school where the hazing incident occurred which
168 gives rise to an offense under this article.

169 20-1-31.

170 (a) Beginning with the 2021-2022 school year, each postsecondary educational institution
171 shall maintain and publicly report actual findings of violations of the school's code of
172 student conduct or federal or state laws relating to hazing that are reported to school
173 officials, law enforcement officials, national organizations, or any organization formally
174 affiliated with the postsecondary educational institution.

175 (b) The report required pursuant to subsection (a) of this Code section shall include:

176 (1) The name of the school organization;

177 (2) The date the school organization was charged with misconduct;

178 (3) The date or dates on which the misconduct occurred;

179 (4) The date the investigation was initiated;

180 (5) A general description of the incident and the charges, findings, and sanctions placed
181 on the school organization; and

182 (6) The date on which the investigation ended with a finding that a violation occurred.

183 (c) Investigations that do not result in a finding of formal violations of the school's code
184 of student conduct shall not be included in the report required pursuant to subsection (a)
185 of this Code section. The report shall not include personal identifying information of the
186 individual students and shall be subject to the requirements of the Family Education Rights
187 and Privacy Act (FERPA), 20 U.S.C. Section 1232g.

188 (d) Each postsecondary educational institution shall update this report at least ten calendar
189 days before the start of the fall and spring academic semesters.

190 (e) Each postsecondary educational institution must make reports required under this Code
191 section available on its website in a prominent location. The website that contains the
192 reports must include a statement notifying the public:

193 (1) Of the availability of additional information related to findings, sanctions, and
194 whether the school organization has completed or complied with sanctions imposed;

195 (2) Where a member of the public may obtain the additional information that is not
196 protected under the Family Education Rights and Privacy Act (FERPA), 20 U.S.C.
197 Section 1232g; and

198 (3) That the postsecondary educational institution is required to provide this additional
199 information pursuant to the Article 4 of Chapter 18 of Title 50.

200 (f) Each postsecondary educational institution shall furnish a printed notice of the nature
201 and availability of this report and the website address where it can be found to attendees
202 at each student orientation.

203 (g) Each postsecondary educational institution shall maintain reports as they are updated
204 for five years."

205 **SECTION 4.**

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