

The House Committee on Judiciary Non-Civil offers the following substitute to SB 85:

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:

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

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

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

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

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

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

33 **SECTION 3.**

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

36 "ARTICLE 3

37 20-1-30.

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

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

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

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

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

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

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

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

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

55 (1) The name of any school organization involved;

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

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

59 (d) Public disclosure provided pursuant to subsection (c) of this Code section shall not  
60 include the personal identifying information of any individual student and shall be subject  
61 to the requirements of the Family Education Rights and Privacy Act (FERPA), 20 USC  
62 1232g."

63 **SECTION 4.**

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