

Senate Bill 509

By: Senators Dixon of the 45th, Strickland of the 17th, Robertson of the 29th and Beach of the 21st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to postsecondary education generally, so as to prohibit the Board of Regents of the  
3 University System of Georgia, the State Board of the Technical College System of Georgia,  
4 and any public postsecondary institution from asking applicants whether they have been  
5 arrested, charged, or convicted of certain crimes; to provide for the permitted uses of criminal  
6 history record information for admitted students; to provide for conditions for such use; to  
7 provide for penalties; to provide for admissibility of criminal history record information in  
8 certain civil actions; to provide for definitions; to provide for related matters; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to  
13 postsecondary education generally, is amended by adding a new part to read as follows:

"Part 3

14

15 20-3-15.16 (a) As used in this part, the term:17 (1) 'Criminal history record information' has the same meaning as provided in Code  
18 Section 35-3-30.19 (2) 'Public postsecondary institution' means a school which is:20 (A) A unit of the University System of Georgia; or21 (B) A unit of the Technical College System of Georgia.22 (b) The Board of Regents of the University System of Georgia, the State Board of the  
23 Technical College System of Georgia, and any public postsecondary institution, whether  
24 acting through their governing bodies or officers, or by any other process, shall not enact,  
25 adopt, implement, or enforce any policy that permits any applicant for admission to any  
26 professional, postgraduate, graduate, or undergraduate program, school, or college to be  
27 asked whether he or she has been arrested, charged, or convicted of a crime, except for  
28 convictions for any of the felony offenses specified in paragraphs (4) through (7) of  
29 subsection (b) of Code Section 15-11-560.30 (c) A public postsecondary institution may request criminal history record information for  
31 an admitted student and use such information for the following purposes:32 (1) Offering supportive counseling and services;33 (2) Making decisions relative to a student's participation in campus life, including, but  
34 not limited to, campus residency and campus activities; and35 (3) Making decisions relative to financial aid.36 (d) If a public postsecondary institution uses criminal history record information as  
37 authorized by subsection (c) of this Code section, the institution shall consider:

- 38 (1) The nature and gravity of the criminal conduct and whether it bears a direct  
39 relationship to a particular aspect of a student's participation in campus life, including,  
40 but not limited to, campus residency and campus activities;  
41 (2) The time that has passed since the criminal conduct occurred;  
42 (3) The age of the student at the time of the criminal conduct; and  
43 (4) Any evidence of rehabilitation or good conduct produced by the student.  
44 (e) Any entity, organization, or public postsecondary institution that violates subsection (b)  
45 of this Code section shall be subject to the withholding of state funding or state  
46 administered federal funding other than funds to provide services specified in  
47 subsection (d) of Code Section 50-36-1. Such withholding of state funding shall include  
48 funds provided to one or more public postsecondary institutions directly, as well as funding  
49 for scholarships, loans, and grants pursuant to this chapter for students of such public  
50 postsecondary institutions.  
51 (f) In a civil proceeding against a public postsecondary institution, its employees, or its  
52 agents based on the conduct of a student or former student, criminal history record  
53 information shall not be admissible if:  
54 (1) The nature of such criminal history record information is not relevant to the facts  
55 underlying such proceeding or the veracity of the witness;  
56 (2) Prior to the act giving rise to such proceeding, such criminal history record  
57 information was restricted or sealed as provided in Code Section 35-3-37, or a pardon for  
58 such conduct was granted; or  
59 (3) Such criminal history record information is for an arrest or charge that did not result  
60 in a conviction."

61 **SECTION 2.**

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