

House Bill 37 (AS PASSED HOUSE AND SENATE)

By: Representatives Ehrhart of the 36th, England of the 116th, Morris of the 156th, Williams of the 119th, and Petrea of the 166th

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 definitions, so as to provide definitions; to provide that private postsecondary
3 institutions in this state shall not adopt sanctuary policies; to provide for penalties for
4 violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
8 definitions, is amended by designating the existing text as Part 1 and adding a new part to
9 read as follows:

10 Part 2

11 20-3-10.

12 (a) As used in this part, the term:

13 (1) 'Federal officials or law enforcement officers' means any person employed by the
14 United States government for the purpose of enforcing or regulating federal laws and any
15 peace officer certified by the Georgia Peace Officer Standards and Training Council
16 where such federal official or peace officer is acting within the scope of his or her
17 employment for the purpose of enforcing federal or state laws or preserving homeland
18 security.

19 (2) 'Private postsecondary institution' means a school which is:

20 (A) A private independent nonproprietary postsecondary institution eligible for tuition
21 equalization grants in accordance with the provisions of subparagraph (A) of
22 paragraph (2) of Code Section 20-3-411; or

23 (B) A private proprietary postsecondary institution eligible for tuition equalization
24 grants in accordance with the provisions of subparagraph (B) of paragraph (2) of Code
25 Section 20-3-411.

26 (3) 'Sanctuary policy' means any regulation, rule, policy, or practice adopted or
 27 administered by a private postsecondary institution which prohibits or restricts officials
 28 or employees of such private postsecondary institution from communicating or
 29 cooperating with federal officials or law enforcement officers with regard to reporting
 30 status information while such official or employee is acting within the scope of his or her
 31 official duties at such private postsecondary institution.

32 (4) 'Status information' means any information, not including any information required
 33 by law to be kept confidential but otherwise including, but not limited to, any statement,
 34 document, computer generated data, recording, or photograph, which is relevant to the
 35 identity or location of an individual who is reasonably believed to be violating state or
 36 federal laws, illegally residing within the United States, or who is reasonably believed to
 37 be involved in domestic terrorism as that term is defined in Code Section 16-4-10 or a
 38 terroristic act as that term is defined by Code Section 35-3-62.

39 (b) No private postsecondary institution in this state whether acting through its governing
 40 body or officers, or by any other process, shall enact, adopt, implement, or enforce any
 41 sanctuary policy.

42 (c) Any private postsecondary institution that violates subsection (b) of this Code section
 43 shall be subject to the withholding of state funding or state administered federal funding
 44 other than funds to provide services specified in subsection (d) of Code Section 50-36-1.
 45 Such withholding of state funding shall include funds provided to the private postsecondary
 46 institution directly as well as funding for scholarships, loans, and grants pursuant to this
 47 chapter for students of such private postsecondary institution."

48 **SECTION 2.**

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