

House Bill 427

By: Representatives Kennard of the 101st, Jones of the 25th, Holcomb of the 81st, Carpenter of the 4th, Clark of the 108th, and others

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 public postsecondary institutions from asking applicants whether they have been arrested
5 or convicted of certain crimes; to provide for exceptions; to provide for penalties; to provide
6 for a definition; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "Part 3

13 20-3-11.

14 (a) As used in this part, the term 'public postsecondary institution' means a school which
15 is:

16 (1) A unit of the University System of Georgia; or
17 (2) A unit of the Technical College System of Georgia.
18 (b)(1) The Board of Regents of the University System of Georgia, the State Board of the
19 Technical College System of Georgia, and public postsecondary institutions, whether
20 acting through their governing bodies or officers, or by any other process, shall not enact,
21 adopt, implement, or enforce any policy that permits any applicant for admission to any
22 professional, postgraduate, graduate, or undergraduate program, school, or college to be
23 asked whether he or she has been arrested or convicted of a crime, except for convictions
24 for any of the felony offenses specified in paragraphs (4) through (7) of subsection (b)
25 of Code Section 15-11-560.
26 (2) The provisions of paragraph (1) of this subsection shall not apply to any course,
27 apprenticeship, program, major, or degree pathway at a public postsecondary institution
28 where:
29 (A) Applicants are required to apply for admission directly to the course,
30 apprenticeship, program, major, or degree pathway; and
31 (B) As determined by the appropriate postsecondary institution, applicants with
32 criminal backgrounds are likely to encounter barriers to licensure or practicum
33 placements as a result of such criminal backgrounds.
34 (c) Any entity, organization, or public postsecondary institution that violates subsection
35 (b) of this Code section shall be subject to the withholding of state funding or state
36 administered federal funding other than funds to provide services specified in subsection
37 (d) of Code Section 50-36-1. Such withholding of state funding shall include funds
38 provided to one or more postsecondary institutions directly, as well as funding for
39 scholarships, loans, and grants pursuant to this chapter for students of such postsecondary
40 institutions."

41

SECTION 2.

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