

House Bill 37

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

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to definitions, so as to provide definitions; to provide that private postsecondary institutions in this state shall not adopt sanctuary policies; to provide for penalties for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"Part 2

20-3-10.

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

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

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

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

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

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

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

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

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

SECTION 2.

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