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SB 85: Mandatory Reporting of Hazing-Related Violations

Lane McKell
amckell1@student.gsu.edu

Julia Martin
Jmartin155@student.GSU.edu

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CRIMES AND OFFENSES

Crimes Against the Person: Amend Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, Relating to Reckless Conduct, so as to Provide for an Expanded Definition of Hazing; Provide for and Revise Definitions; Amend Chapter 1 of Title 20 of the Official Code of Georgia Annotated, Relating to General Provisions regarding Education, so as to Provide for Mandatory Reports of Hazing-Related Violations at Schools in the State; Provide for a Short Title; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes.

CODE SECTIONS:	O.C.G.A. §§ 16-5-61 (amended); 20-1-30 (amended)
BILL NUMBER:	SB 85
ACT NUMBER:	144
GEORGIA LAWS:	2021 Ga. Laws 206
SUMMARY:	The Act expands the definition of “hazing” to include actions subjecting a student to physical endangerment as well as actions coercing the student to engage in behavior that would subject the student to a likely risk of vomiting, intoxication, or unconsciousness. Additionally, the Act imposes a mandatory reporting requirement on Georgia colleges and universities to report hazing-related violations.
EFFECTIVE DATE:	July 1, 2021

History

Twenty-nine days into his freshman year of college, eighteen-year-old Maxwell Gruver passed away after a night of alcohol-related hazing at the Louisiana State University’s (LSU) Phi

Delta Theta House.¹ Max’s fraternity brothers forced him to drink copious amounts of alcohol in the span of an hour and a half as punishment for incorrectly answering fraternity-related trivia questions and misstating the Greek alphabet.² Max passed out on a couch and died a few hours later with a blood alcohol level of 0.495.³ Max’s fraternity brothers noticed his troubled state—labored breathing, skin turning blue, and increasingly faint pulse.⁴ But, no one called for help until it was too late.⁵ Max died from “acute alcohol intoxication with aspiration.”⁶

After Max’s death at LSU, the Louisiana legislature signed into law a series of anti-hazing bills that (1) imposed increased criminal penalties for hazing activities, (2) required mandatory reporting of hazing activities for collegiate organizations, and (3) mandated anti-hazing education.⁷ Louisiana did not act in isolation. Max’s death sparked a national inquiry over “whether existing anti-hazing laws [were] stringent enough” to prevent hazing-related tragedies.⁸

Georgia took part in that inquiry, and State Senator John Albers (R-56th) introduced Senate Bill (SB) 85, the Max Gruver Act, “named in honor and in memory of Max,” to crack down on hazing in Georgia.⁹ Senator Albers worked with various collegiate organizations, including fraternity and sorority counsels as well as the Board of Regents, to ensure SB 85 would accomplish its intended purpose.¹⁰ The goal of the bill is to reduce hazing-related incidents, specifically

1. Video Recording of Senate Committee Meeting at 27 min., 04 sec. (Feb. 22, 2021) [hereinafter Senate Committee Video] (remarks by Rae Ann Gruver), <https://livestream.com/accounts/26021522/events/8743306/videos/217886153>.

2. *Id.*

3. *Id.*

4. *Id.*; Maureen Downey, *Their Son Died from Hazing. Now Roswell Couple Tries to Save Others*, ATLANTA J.-CONST. (Mar. 2, 2020), <https://www.ajc.com/blog/get-schooled/their-son-died-from-hazing-now-roswell-couple-tries-save-others/rDOjnC7JQM4x2FseHdHs2L/> [<https://perma.cc/DY7E-5J7N>].

5. Senate Committee Video, *supra* note 1, at 21 min., 38 sec.

6. Downey, *supra* note 4.

7. Natalie Anderson, *Gov. John Bel Edwards Signs Max Gruver Act, Other Anti-Hazing Legislation into Law*, ADVOCATE, https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_7648a0c0-64e1-11e8-8074-dff7f1422134.html [<https://perma.cc/BG2B-T6GZ>] (May 31, 2018, 2:43 PM).

8. *Id.*

9. Senate Committee Video, *supra* note 1, at 21 min., 38 sec. (remarks by Sen. John Albers (R-56th)).

10. *Id.*

on collegiate campuses.¹¹ As Senator Albers expressed, SB 85 will “ultimately save lives and protect our youth.”¹²

Senator Albers previously introduced a version of the Max Gruver Act in the 2019–2020 legislative session as House Bill (HB) 423, which passed in the Senate unanimously.¹³ But the bill stalled due to COVID-19’s interruption of the General Assembly.¹⁴ In 2021, Senator Albers reintroduced the Max Gruver Act as SB 85.

Bill Tracking of SB 85

Consideration and Passage by the Senate

Senator John Albers (R-56th) sponsored SB 85 in the Georgia State Senate with Senator Brian Strickland (R-17th), Senator Butch Miller (R-49th), Senator John Kennedy (R-18th), Senator Chuck Hufstetler (R-52nd), Senator Kay Kilpatrick (R-32nd), and Senator Billy Hickman (R-4th) cosponsoring.¹⁵ The bill was placed in the Senate hopper on February 3, 2021.¹⁶ On February 4, 2021, the Senate read SB 85 for the first time and then referred the bill to the Senate Judiciary Committee.¹⁷

The Senate Judiciary Committee favorably reported the bill by substitute on February 23, 2021.¹⁸ The substitute included new language that expanded the definition of hazing to not only include actions that result in physical injury but also those that cause mental and emotional distress.¹⁹

11. *Id.*

12. Jeff Amy, *Georgia Lawmakers Again Seek to Make College Hazing a Felony*, AP NEWS (Feb. 26, 2021), <https://apnews.com/article/georgia-louisiana-legislation-coronavirus-pandemic-poisoning-fdc6174ae50fbeb1b18cceeaf1ad04> [https://perma.cc/YD2C-S3BC].

13. *Id.*; Telephone Interview with Sen. John Albers (R-56th) (May 15, 2021) (on file with the Georgia State University Law Review) [hereinafter Albers Interview].

14. Amy, *supra* note 12.

15. Georgia General Assembly, SB 85, Bill Tracking [hereinafter SB 85, Bill Tracking], <https://www.legis.ga.gov/legislation/59273>.

16. State of Georgia Final Composite Status Sheet, SB 85, June 18, 2021; SB 85, Bill Tracking, *supra* note 15.

17. State of Georgia Final Composite Status Sheet, SB 85, June 18, 2021.

18. *Id.*

19. SB 85 (SCS), § 2, p. 2, ll. 21–35, 2021 Ga. Gen. Assemb.

The Senate read SB 85 for the second time on February 24, 2021, and for the third time on February 26, 2021.²⁰ On February 26, 2021, the Senate called SB 85 to the floor for consideration, and Senator Albers, accompanied by Senator Kim Jackson (D-41st), introduced a floor amendment.²¹ The amendment specified that the criminal penalties created by the legislation would only apply to individuals seventeen years of age or older.²² The Senate passed the floor amendment and adopted the bill unanimously by a vote of 49 to 0.²³

Consideration and Passage by the House of Representatives

Representative Mandi Ballinger (R-23rd) carried the bill in the House of Representatives.²⁴ The House first read SB 85 on March 1, 2021, and assigned the bill to the House Judiciary Non-Civil Committee.²⁵

The Committee then began consideration of SB 85 in the House Judiciary Non-Civil Sub-Committee, chaired by Representative Ed Setzler (R-35th).²⁶ The Sub-Committee favorably reported the bill to the full Committee by substitute on March 24, 2021.²⁷

The substitute, drafted by Representative Setzler and Representative Bert Reeves (R-34th) prior to the Committee hearing, reduced SB 85 from nine pages to three pages, removing nearly two-thirds of the bill's substance.²⁸ SB 85 was slimmed down in response to concerns from House members that the bill was "overbroad" and went beyond the

20. State of Georgia Final Composite Status Sheet, SB 85, June 18, 2021; SB 85, Bill Tracking, *supra* note 15.

21. SB 85 (SCSFA 1), 2021 Ga. Gen. Assemb.; Video Recording of Senate Proceedings at 2 hr., 45 min., 30 sec. (Feb. 26, 2021) [hereinafter Senate Proceedings Video I] (remarks by Sen. John Albers (R-56th)), <https://www.youtube.com/watch?v=LhjTLrabGE8&t=2631s>.

22. SB 85 (SCSFA 1), 2021 Ga. Gen. Assemb.

23. Georgia Senate Voting Record, SB 85, #86 (Feb. 26, 2021); SB 85, Bill Tracking, *supra* note 15.

24. State of Georgia Final Composite Status Sheet, SB 85, June 18, 2021; SB 85, Bill Tracking, *supra* note 15.

25. State of Georgia Final Composite Status Sheet, SB 85, June 18, 2021; SB 85, Bill Tracking, *supra* note 15.

26. Video Recording of House Judiciary Non-Civil Subcommittee at 29 min., 30 sec. [hereinafter March 24, 2021 House Sub-Committee Video] (remarks by Rep. James Burchett (R-176th)), <https://livestream.com/accounts/25225474/events/8737140/videos/219193023>.

27. *Id.* at 40 min., 15 sec.

28. Compare SB 85 (SCS), 2021 Ga. Gen. Assemb., with SB 85 (HCS), 2021 Ga. Gen. Assemb.

intended purpose of the legislation.²⁹ When analyzing the bill and the drafter’s intent, House members engaged in a “gap analysis” to consider what hazing conduct was not covered by current law.³⁰

Consequently, the Committee members agreed to a substitute bill, which made four core changes to SB 85 as passed by the Senate.³¹ First, the Committee substitute altered the definition of hazing to outlaw activities that could endanger one’s physical health, including coercing a student into consuming food, alcohol, or drugs that may result in vomiting, intoxication, or unconsciousness.³² The Committee made this change based on concerns that the original definition, which included activities that would endanger one’s mental health, was overly broad and would unduly criminalize the voluntary behavior of adults.³³ Further, the Committee noted that most hazing injuries and deaths involve food, alcohol, or drugs—making it necessary to address hazing that involves substances explicitly listed in the new law.³⁴

Second, the substitute removed the possibility of felony penalties for hazing offenders.³⁵ As passed by the Senate, SB 85 provided that anyone found guilty of hazing would face misdemeanor charges; however, if the hazing incident led to death or serious bodily injury, the offender would be guilty of a felony.³⁶ In other words, the Committee substitute simply struck the possibility of felony penalties and provided that anyone found guilty of hazing would be guilty of a high and aggravated misdemeanor.³⁷

Third, the substitute removed a provision that allowed the Georgia Attorney General to bring a civil action against the local or national fraternity organization when an employee, agent, official, or board member knowingly participated in hazing, failed to intervene in

29. March 24, 2021 House Sub-Committee Video, *supra* note 26, at 30 min., 10 sec. (discussion of the Committee substitute by Representative Bert Reeves (R-34th)).

30. Telephone Interview with Rep. Ed Setzler (R-35th) (July 14, 2021) (on file with the Georgia State University Law Review) [hereinafter Setzler Interview].

31. *Compare* SB 85 (SCS), 2021 Ga. Gen. Assemb., with SB 85 (HCS), 2021 Ga. Gen. Assemb.

32. *Compare* SB 85 (SCS), 2021 Ga. Gen. Assemb., with SB 85 (HCS), 2021 Ga. Gen. Assemb.

33. March 24, 2021 House Sub-Committee Video, *supra* note 26, at 30 min., 10 sec. (discussion of the Committee substitute by Representative Bert Reeves (R-34th)); Setzler Interview, *supra* note 30.

34. March 24, 2021 House Sub-Committee Video, *supra* note 26, at 30 min., 10 sec. (discussion of the Committee substitute by Representative Bert Reeves (R-34th)); Setzler Interview, *supra* note 30.

35. *Compare* SB 85 (SCS), 2021 Ga. Gen. Assemb., with SB 85 (HCS), 2021 Ga. Gen. Assemb.

36. SB 85 (SCS), 2021 Ga. Gen. Assemb.

37. *Compare* SB 85 (SCS), 2021 Ga. Gen. Assemb., with SB 85 (HCS), 2021 Ga. Gen. Assemb.

hazing, failed to report hazing, or encouraged another not to report hazing within the organization.³⁸ The Committee removed this provision because other civil remedies exist for this kind of tortious conduct, and they were concerned with expanding civil liability for those not participating in the hazing themselves.³⁹

Finally, the Committee substitute removed the “Good Samaritan” immunity for intervening actors in hazing incidents.⁴⁰ This provision, which was modeled after other Good Samaritan laws, would have granted an individual who reports hazing in good faith and in a timely manner complete immunity from administrative, civil, or criminal liability.⁴¹ The House Committee members removed this provision because of “relatively broad protections already [provided] in case law” and the belief that extended immunity was unnecessary after removing the possibility of felony penalties for hazing.⁴²

The full Committee adopted the substitute and favorably reported SB 85 on March 25, 2021.⁴³ On March 29, 2021, the House read SB 85 for the third time and passed the legislation by a vote of 164 to 0.⁴⁴

Final Passage and the Governor’s Signature

On March 31, 2021, the Senate agreed to the House substitute by a vote of 51 to 0.⁴⁵ During the final vote, Senator Albers vowed to continue advocating for stricter anti-hazing laws, viewing SB 85 as the “down payment” for the work still to be done.⁴⁶ The Senate sent the bill to the desk of Governor Brian Kemp (R) on April 7, 2021, and the

38. Compare SB 85 (SCS), 2021 Ga. Gen. Assemb., with SB 85 (HCS), 2021 Ga. Gen. Assemb.

39. March 24, 2021 House Sub-Committee Video, *supra* note 26, at 30 min., 10 sec. (discussion of the Committee substitute by Representative Bert Reeves (R-34th)); Setzler Interview, *supra* note 30.

40. Compare SB 85 (SCS), 2021 Ga. Gen. Assemb., with SB 85 (HCS), 2021 Ga. Gen. Assemb.

41. SB 85 (SCS), 2021 Ga. Gen. Assemb.

42. Setzler Interview, *supra* note 30.

43. State of Georgia Final Composite Status Sheet, SB 85, June 18, 2021; SB 85, Bill Tracking, *supra* note 15.

44. State of Georgia Final Composite Status Sheet, SB 85, June 18, 2021; SB 85, Bill Tracking, *supra* note 15; Georgia House Voting Record, SB 85, #337 (Mar. 29, 2021).

45. SB 85, Bill Tracking, *supra* note 15; Georgia Senate Voting Record, SB 85, #374 (Mar. 31, 2021).

46. Albers Interview, *supra* note 13.

Governor signed SB 85 into law as Act 144 on May 3, 2021.⁴⁷ The Act's effective date is July 1, 2021.⁴⁸

The Act

The Act amends the following portions of the Official Code of Georgia Annotated: Article 4 of Chapter 5 of Title 16, to provide for an expanded definition of hazing; and Chapter 1 of Title 20, to provide for mandatory reporting of hazing-related violations at Georgia schools.⁴⁹ The Act's overall purpose is to reduce hazing-related incidents at the collegiate level by expanding the definition of hazing and imposing mandatory reporting requirements for schools in Georgia.⁵⁰

Section 1

Section 1 titles the Act as the “Max Gruver Act.”⁵¹

Section 2

Section 2 of the Act amends Article 4 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated by revising Code Section 16-5-61.⁵²

Definitions

Subsection (a) of the Act revises the definitions of (1) hazing, (2) school, (3) school organization, and (4) student.⁵³ Most importantly, the Act broadens the definition of hazing by including any activity that not only endangers or is likely to endanger the physical wellbeing of the student but also any activity that “coerces the student” through

47. SB 85, Bill Tracking, *supra* note 15.

48. *Id.*

49. 2021 Ga. Laws 206, §§ 2-3 at 207.

50. *See* 2021 Ga. Laws 206.

51. 2021 Ga. Laws 206, § 1 at 207.

52. 2021 Ga. Laws 206, § 2 at 207.

53. *Id.* (codified at O.C.G.A § 16-5-61(a) (Supp. 2021)).

“social or physical pressure to consume any food, liquid, alcohol, drug, or other substance [,] which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness.”⁵⁴

The Act also defines “school” as any “unit” of the University System of Georgia or Technical College System of Georgia, as well as any “private postsecondary school, college[,] or university” within the state of Georgia.⁵⁵

Next, the Act clarifies the definition of “school organization” to include any “association, corporation, order, . . . [or] athletic team,” in addition to the fraternity, sorority, club, and society designations already existing within the definition.⁵⁶ The Act further modifies the definition of “school organization” to reflect that organization shall be made up of “students or alumni as its principal members.”⁵⁷ These organizations may also include “local affiliate organizations.”⁵⁸

Lastly, the Act modifies the definition of “student” to include persons “prospectively enrolled” at a school within the state of Georgia.⁵⁹

Section 3

Section 3 of the Act amends Chapter 1 of Title 20 of the Official Code of Georgia Annotated, relating to general provisions regarding education by adding Code section 20-1-30.⁶⁰ The Act imposes a mandatory reporting requirement upon every college, university, or postsecondary school in the state of Georgia.⁶¹ Specifically, the Act mandates that each school establish policies to facilitate two primary reporting processes by July 1, 2021.⁶² First, schools must establish policies for the “[r]eporting, investigation, provision of due process, and the administrative adjudication” of alleged hazing-related

54. *Id.* (codified at O.C.G.A. § 16-5-61(a)(1) (Supp. 2021)).

55. *Id.* (codified at O.C.G.A. § 16-5-61(a)(2) (Supp. 2021)).

56. *Id.* (codified at O.C.G.A. § 16-5-61(a)(2) (Supp. 2021)).

57. *Id.* (codified at O.C.G.A. § 16-5-61(a)(3) (Supp. 2021)).

58. 2021 Ga. Laws 206, § 2 at 207 (codified at O.C.G.A. § 16-5-61(a)(3) (Supp. 2021)).

59. *Id.* (codified at O.C.G.A. § 16-5-61(a)(4) (Supp. 2021)).

60. 2021 Ga. Laws 206, § 3 at 207 (codified at O.C.G.A. § 16-5-61(a)(3) (Supp. 2021)).

61. *Id.* at 208 (codified at O.C.G.A. § 20-1-30(b) (Supp. 2021)).

62. *Id.* (codified at O.C.G.A. § 20-1-30(b) (Supp. 2021)).

incidents among students and student organizations.⁶³ Second, schools must establish policies for the “[p]ublic disclosure of administrative adjudications of hazing or hazing-related convictions” within fifteen days of a final judicial decision or public notice of a criminal conviction.⁶⁴

In addition, subsection (c) sets the standard for the public reporting of adjudicated instances of hazing.⁶⁵ The Act requires that the school post “prominently” on their website certain categories of information for at least five years upon the final judicial conclusion of the case.⁶⁶ Specifically, schools must report (1) the name of any school organization involved in the incident, (2) the dates of the incident, and (3) a description of any “hazing-related findings, sanctions, adjudications, and convictions for any person or school organization.”⁶⁷ Subsection (d), however, prohibits the disclosure of any personal identifying information of individual students.⁶⁸

Analysis

Comparison to Louisiana’s Max Gruver Act

Despite the novelty of stringent anti-hazing laws, Georgia is not the only state that has recently taken action to reduce the harm caused by hazing.⁶⁹ Max Gruver’s death at an LSU fraternity house in 2017 prompted the state of Louisiana to review their own anti-hazing laws.⁷⁰ Before the end of 2018, Louisiana enacted the Max Gruver Act, named

63. *Id.* (codified at O.C.G.A § 20-1-30(b) (Supp. 2021)).

64. *Id.* (codified at O.C.G.A § 20-1-30(b) (Supp. 2021)).

65. *Id.* (codified at O.C.G.A § 20-1-30(b) (Supp. 2021)).

66. 2021 Ga. Laws 206, § 3 at 208 (codified at O.C.G.A § 20-1-30(c) (Supp. 2021)). The Act defines “adjudicated hazing incidents” as those “adjudicated pursuant to subsection (b) of this Code section, criminal convictions for hazing pursuant to Code section 16-5-61, and other criminal convictions arising from any incident of hazing.” *Id.*

67. *Id.* (codified at O.C.G.A § 20-1-30(c) (Supp. 2021)).

68. *Id.* (codified at O.C.G.A § 20-1-30(d) (Supp. 2021)).

69. Elizabeth Crisp, ‘Max Gruver Act’ to Create Harsher Penalties for Hazing in Louisiana Swiftly Wins House Passage, Heads to Senate, *ADVOCATE* (Apr. 2, 2018, 5:41 PM), https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_0a86de08-36c7-11e8-b244-43b7f218103a.html [<https://perma.cc/ZQP5-RBRM>].

70. *Id.*

in honor of Max.⁷¹ Along with Max's parents, the Louisiana Act inspired Georgia's own Max Gruver Act.⁷² But each state's current anti-hazing law bears several differences.

Definitions

First, Georgia and Louisiana have opted for varying definitions of several key words. The most notable variation is how each state defines hazing. Specifically, Louisiana designed its definition of hazing to include a much broader range of activities than Georgia's definition, such as sleep deprivation, physical brutality, exposure to elements, and any task that involves the commission of a crime.⁷³ Simply put, the Louisiana Act does not limit the kinds of activities that may be considered hazing because it expressly provides that hazing includes, "but is not limited to" the specific examples enumerated in the Act.⁷⁴

By contrast, Georgia's definition of hazing includes conduct that is likely to endanger the physical health of a student as well as conduct that actually endangers a student.⁷⁵ Further, Georgia law does not include conduct that causes emotional distress, instead its focus is only on physical wellbeing.⁷⁶ Conversely, Louisiana includes conduct that not only endangers physical health but also "causes severe emotional distress."⁷⁷

Both Louisiana's and Georgia's Max Gruver Acts only classify an activity as hazing if it is directly associated with membership in a school organization.⁷⁸ Association with membership means that the conduct must be affiliated with the pressure of obtaining or retaining membership in the organization.⁷⁹ Narrowly tailoring the definition of

71. LA. STAT. ANN. § 14:40 (West, Westlaw through 2020); LA. STAT. ANN. § 17:1801 (West, Westlaw through 2020).

72. Senate Committee Video, *supra* note 1, at 21 min., 38 sec.

73. LA. STAT. ANN. § 14:40.8(A)(2)(b)(i-iv) (West, Westlaw through 2020).

74. *Id.* § 14:40.8(A)(2)(b).

75. 2021 Ga. Laws 206, § 3 at 208 (codified at O.C.G.A. § 16-5-61(a)(1) (Supp. 2021)).

76. *See generally* 2021 Ga. Laws 206.

77. LA. STAT. ANN. § 14:40.8(C)(2)(a)(i) (West, Westlaw through 2020).

78. LA. STAT. ANN. § 14:40.8(A)(2)(a)(ii) (West, Westlaw through 2020); 2021 Ga. Laws 206, § 3 at 208 (codified at O.C.G.A. § 16-5-61(a)(1) (Supp. 2021)).

79. *See* § 14:40.8(A)(2)(a)(ii); *see also* 2021 Ga. Laws 206, § 3 at 208 (codified at

hazing this way keeps anti-hazing laws from casting too broad of a net and inadvertently merging with other existing criminal laws.⁸⁰

Mandatory Reporting

Second, Georgia and Louisiana take different approaches to mandatory reporting. Georgia's Act requires that hazing incidents subject to administrative adjudication be publicly disclosed on the school's website.⁸¹ In contrast, Louisiana requires representatives or officers who know of hazing acts within their organizations to either report the conduct or subject the organization to penalties.⁸² Consequently, Georgia's Act promotes public awareness of the prevalence of hazing within particular schools and organizations but lacks incentives to encourage individuals to report hazing-related conduct within their affiliated organizations.⁸³

Opposition and Next Steps

As introduced, SB 85 was "the strongest and most definitive hazing bill in the country . . . [setting] the bar for all other states to follow when it comes to laws against hazing."⁸⁴ The bill was significantly watered down, however, as it made the journey from bill to law.⁸⁵

The House Judiciary Committee's discussion made clear that the bill should be limited to two narrow goals: (1) incentivizing good behavior by shedding light on campus hazing incidents and (2) addressing the danger of hazing involving food, alcohol, and drugs.⁸⁶

O.C.G.A. § 16-5-61(a)(1) (Supp. 2021)).

80. Setzler Interview, *supra* note 30.

81. 2021 Ga. Laws 206, § 3 at 208 (codified at O.C.G.A. § 16-5-61(c) (Supp. 2021)).

82. LA. STAT. ANN. § 14:40.8(B)(1) (West, Westlaw through 2020).

83. *See* Crisp, *supra* note 69.

84. Claire Simms, *Georgia Senate Passes 'Max Gruver Act'*, FOX 5 ATLANTA (Feb. 26, 2021), <https://www.fox5atlanta.com/news/georgia-senate-passes-max-gruver-act> [<https://perma.cc/8NCS-EZHV>].

85. Albers Interview, *supra* note 13.

86. Setzler Interview, *supra* note 30; Mar. 24, 2021 House Sub-Committee Video, *supra* note 26, at 30 min., 10 sec. (discussion of the committee substitute by Representative Bert Reeves (R-34th)).

Anti-hazing activists in Georgia, including members of the Max Gruver Foundation, applaud the passage of SB 85.⁸⁷ But many believe that, without the enhanced criminal penalties and other important elements originally included in SB 85, the Georgia General Assembly is leaving work undone.⁸⁸ Rae Ann Gruver, Max's mother, firmly believes that Georgia should be "more proactive" in fighting hazing because "[h]azing is not an accident. Hazing is intentional, and it is fatal."⁸⁹

Senator John Albers (R-56th) expressed his commitment to building back the original Max Gruver Act "piece by piece" if necessary.⁹⁰ Senator Albers intends to expand the 2021 Max Gruver Act by reintroducing the early SB 85 provisions that were cut out in the House Judiciary Committee substitute in future legislative sessions.⁹¹

Conclusion

Although SB 85 underwent significant changes from its original draft to its final form, the Max Gruver Act still bolsters Georgia's anti-hazing laws. The expanded definition of hazing updates the law to reflect modern incidents of hazing. Additionally, the mandatory reporting requirement places more responsibility on schools to protect students. By strengthening the hazing laws in Georgia, SB 85 seeks to end the dangerous and pervasive hazing culture on college campuses.

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87. Rae Ann Feldner Gruver, FACEBOOK (May 3, 2021), <https://www.facebook.com/raeann.gruver/videos/10222093584423325>.

88. Albers Interview, *supra* note 13.

89. Senate Committee Video, *supra* note 1, at 21 min., 38 sec.

90. Claire Simms, 'Max Gruver Act' Passes Cracking Down on Hazing in Georgia, FOX 5 ATLANTA (Mar. 31, 2021), <https://www.fox5atlanta.com/news/max-gruver-act-passes-cracking-down-on-hazing-in-georgia> [<https://perma.cc/Z7WX-6LP7>].

91. Albers Interview, *supra* note 13.