

Chapter 676

(Senate Bill 127)

AN ACT concerning

**Institutions of Higher Education – Use of Criminal History in Admission –
Modifications**

FOR the purpose of prohibiting an institution of higher education from using certain third-party admissions application information about the criminal background of the applicant to deny admission; altering a certain process in using certain information about an applicant's criminal history to make a certain determination; authorizing an institution of higher education to develop a process for determining or restricting access to campus residency for certain students convicted of certain crimes; making conforming changes; and generally relating to the use of criminal history in the admission of students to institutions of higher education.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 26–503 through 26–505
 Annotated Code of Maryland
 (2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Education

26–503.

(a) Except as provided in subsection (b) of this section, an institution of higher education may not use an admissions application that contains questions about the criminal history of the applicant.

(b) An institution of higher education may use a third-party admissions application that contains questions about the criminal history of the applicant if the institution [posts]:

(1) DOES NOT USE THE THIRD-PARTY ADMISSIONS APPLICATION TO DISQUALIFY AN APPLICANT BASED ON THE APPLICANT'S CRIMINAL HISTORY; AND

(2) POSTS a notice on its website stating that a criminal history does not disqualify an applicant from admission.

26–504.

(a) Subject to § 26–505 of this subtitle, an institution of higher education may make inquiries into and consider information about a student’s criminal history for the purpose of:

(1) Making decisions regarding [admission and] access to campus residency; or

(2) Offering supportive counseling or services to help rehabilitate and educate the student on barriers a criminal record may present.

(b) **(1) ~~IN~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN** making inquiries or considering information under this section, an institution of higher education may not automatically or unreasonably restrict a student’s [admission] **ACCESS TO CAMPUS RESIDENCY** based on that student’s criminal history.

(2) AN INSTITUTION OF HIGHER EDUCATION MAY DEVELOP A PROCESS FOR DETERMINING OR RESTRICTING ACCESS TO CAMPUS RESIDENCY FOR A STUDENT WHO HAS BEEN CONVICTED OF A:

(I) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE, ~~OR A~~;

(II) A CRIME OF VIOLENCE UNDER TITLE 14 OF THE CRIMINAL LAW ARTICLE; OR

(III) A SUBSTANTIALLY SIMILAR CRIME IN ANOTHER STATE.

26–505.

(a) In deciding to deny or limit a student’s [admission or] access to campus residency under § 26–504 of this subtitle, an institution of higher education shall develop a process for determining whether there is a relationship between a student’s criminal history and campus residency [or a specific academic program].

(b) The process developed under this section shall be set forth in writing and shall include consideration of:

(1) The age of the student at the time any aspect of the student’s criminal history occurred;

(2) The time that has elapsed since any aspect of the student’s criminal history occurred;

(3) The nature of the criminal history; and

- (4) Any evidence of rehabilitation or good conduct produced by the student.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.