

# SENATE BILL 61

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SB 812/23 – EEE

(PRE-FILED)

4lr1393

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By: **Senator A. Washington**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Disciplinary Records – Use in Admissions and Disciplinary**  
3 **Proceedings**

4 FOR the purpose of prohibiting an institution of higher education from using an admissions  
5 application that contains questions about an applicant’s disciplinary record, subject  
6 to certain exceptions; authorizing an institution of higher education to make  
7 inquiries into and consider information about a student’s disciplinary record for  
8 discipline related to academic dishonesty; and generally relating to the consideration  
9 of disciplinary records in higher education.

10 BY repealing and reenacting, with amendments,

11 Article – Education

12 Section 26–501, 26–503, and 26–504 to be under the amended subtitle “Subtitle 5.  
13 Consideration of Criminal History or Disciplinary Record in the Admissions  
14 Process”

15 Annotated Code of Maryland

16 (2022 Replacement Volume and 2023 Supplement)

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

19 **Article – Education**

20 Subtitle 5. Consideration of Criminal History **OR DISCIPLINARY RECORD** in the  
21 Admissions Process.

22 26–501.

23 (a) In this subtitle the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Admissions application” means an individual application to enroll as an  
2 undergraduate student at an institution of higher education.

3 (c) “Criminal history” means an arrest or a criminal conviction.

4 (D) **“DISCIPLINARY RECORD” MEANS ANY INFORMATION RELATING TO THE**  
5 **DISCIPLINE OF A STUDENT FROM A PUBLIC OR PRIVATE PRIMARY OR SECONDARY**  
6 **SCHOOL IN ANY STATE.**

7 (E) **“INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN §**  
8 **10–101 OF THIS ARTICLE.**

9 [(d)] (F) “Third–party admissions application” means an admissions application  
10 not controlled by the institution.

11 26–503.

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

15 (b) An institution of higher education may use a third–party admissions  
16 application that contains questions about the criminal history **OR DISCIPLINARY RECORD**  
17 of the applicant if the institution:

18 (1) Does not use the third–party admissions application to disqualify an  
19 applicant based on the applicant’s criminal history **OR DISCIPLINARY RECORD**; and

20 (2) Posts a notice on its website stating that a criminal history **OR**  
21 **DISCIPLINARY RECORD** does not disqualify an applicant from admission.

22 26–504.

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

26 (1) Making decisions regarding access to campus residency; or

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

29 (b) (1) Subject to paragraph (2) of this subsection, in making inquiries or  
30 considering information under this section, an institution of higher education may not

1 automatically or unreasonably restrict a student's access to campus residency based on that  
2 student's criminal history.

3 (2) An institution of higher education may develop a process for  
4 determining or restricting access to campus residency for a student who has been convicted  
5 of:

6 (i) A sexual crime under Title 3, Subtitle 3 of the Criminal Law  
7 Article;

8 (ii) A crime of violence under Title 14 of the Criminal Law Article; or

9 (iii) A substantially similar crime in another state.

10 (C) AN INSTITUTION OF HIGHER EDUCATION MAY MAKE INQUIRIES INTO  
11 AND CONSIDER INFORMATION ABOUT A STUDENT'S DISCIPLINARY RECORD FOR  
12 DISCIPLINE RELATED TO ACADEMIC DISHONESTY.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2024.