

May 26, 2017

The Honorable Thomas V. Mike Miller
President of the Senate
State House
Annapolis, MD 21401

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. President and Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 543/House Bill 694 – *Higher Education – Admissions Process – Criminal History (Maryland Fair Access to Education Act of 2017)*.

This legislation prohibits colleges and universities from using an admissions application containing questions about a prospective student's criminal history — no matter how violent or lengthy that criminal history may be. Additionally, Senate Bill 543/House Bill 694 limits how a college can use a prospective or incoming student's criminal history information, curtailing its ability to ensure a safe campus environment.

Protecting our citizens must be a top priority of any government and Maryland's colleges and universities must be safe communities where students are free to learn and grow. When families send their children to college, they know they will be exposed to exciting new opportunities and challenges, but also to new dangers. In this, parents have an expectation that the school to which they entrust their child will do everything possible to keep its students safe.

Senate Bill 543/House Bill 694 jeopardizes student safety by dictating how and when schools can ask about and use criminal history information about potential students. This could lead to situations where a school unknowingly admits a student with a violent past or feels it must accept a student with a criminal history for fear of running afoul of the law.

Most alarmingly, the legislation does little to differentiate between those with a violent felony, such as a sexual assault conviction, and those with a nonviolent misdemeanor on their record.

Legislation barring colleges and universities from using admissions applications containing questions about misdemeanor or nonviolent convictions while still allowing questions about violent felonies would better balance opportunity with public safety.

Our laws must balance the opportunity for second chances with our most important duty of ensuring public safety. I have championed policies that recognize the innate potential of each and every Marylander no matter their criminal history. In 2015, I was proud to sign the Second Chance Act and provide individuals a clean slate by shielding from public knowledge certain low-level criminal offenses. Last year, together with your leadership, we were able to pass the Justice Reinvestment Act which lowers penalties for nonviolent drug offenders, emphasizes treatment and rehabilitation, and contains one of the largest expansions of expungement opportunities in recent history.

However, while measures like the Second Chance Act and Justice Reinvestment Act strike this crucial balance, Senate Bill 543/House Bill 694 tips the scales to the detriment of public safety. While individuals of all criminal backgrounds should be given educational, employment, and growth opportunities, colleges and universities must have the ability to know who they are accepting onto their campuses. We should not encourage schools to turn a blind eye to a prospective student's potentially violent criminal background.

For these reasons, I have vetoed Senate Bill 543 and House Bill 694.

Sincerely,

Lawrence J. Hogan, Jr.
Governor