

# SENATE BILL 127

F2, E4

(PRE-FILED)

11r0955  
CF 11r0579

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By: **Senators Patterson and Augustine**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 16, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 26–503 through 26–505  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2020 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 26–503.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

11 26-504.

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

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

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

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

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

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

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

30 **(III) A SUBSTANTIALLY SIMILAR CRIME IN ANOTHER STATE.**

31 26-505.

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

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

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

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

11 (3) The nature of the criminal history; and

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.