

SENATE BILL 127

F2, E4

(PRE-FILED)

11r0955
CF 11r0579

By: **Senators Patterson and Augustine**

Requested: October 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 making conforming changes; and generally relating to the use of criminal history in
9 the admission of students to institutions of higher education.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 26–503 through 26–505
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2020 Supplement)

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

17 **Article – Education**

18 26–503.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 institution [posts]:

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

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

6 26–504.

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

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

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

14 (b) In making inquiries or considering information under this section, an
15 institution of higher education may not automatically or unreasonably restrict a student's
16 [admission] **ACCESS TO CAMPUS RESIDENCY** based on that student's criminal history.

17 26–505.

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

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

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

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

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

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

30 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July
31 1, 2021.