

SENATE BILL 812

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3lr1776

By: **Senator A. Washington**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

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 a certain exception; 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)

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.

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 SCHOOL IN ANY STATE, INCLUDING:

6 (1) A PUBLIC OR PRIVATE PRIMARY OR SECONDARY SCHOOL;

7 (2) A PRIVATE CAREER SCHOOL;

8 (3) A COMMUNITY COLLEGE; AND

9 (4) AN INSTITUTION OF HIGHER EDUCATION.

10 [(d)] (E) "Third-party admissions application" means an admissions application
11 not controlled by the institution.

12 26-503.

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

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

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

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

23 26-504.

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

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

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

1 (b) (1) Subject to paragraph (2) of this subsection, in making inquiries or
2 considering information under this section, an institution of higher education may not
3 automatically or unreasonably restrict a student's access to campus residency based on that
4 student's criminal history.

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

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

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2023.