

2017 Regular Session

HOUSE BILL NO. 688 (Substitute for House Bill No. 122 by Representative Pierre)

BY REPRESENTATIVES PIERRE, JAMES, AMEDEE, ARMES, BAGNERIS, BILLIOT, BISHOP, BOUIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARPENTER, GARY CARTER, CONNICK, COX, CREWS, DAVIS, DWIGHT, EDMONDS, EMERSON, FALCONER, FRANKLIN, GAINES, GISCLAIR, GLOVER, GUINN, HALL, JIMMY HARRIS, HILFERTY, HORTON, HUNTER, JACKSON, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LEBAS, LEGER, LYONS, MAGEE, MARCELLE, MARINO, DUSTIN MILLER, GREGORY MILLER, NORTON, PRICE, REYNOLDS, RICHARD, SMITH, AND STAGNI AND SENATORS BISHOP, CARTER, AND PETERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COLLEGES/ADMISSIONS: Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history, except for history pertaining to specified offenses, prior to his acceptance for admission

1 AN ACT

2 To amend and reenact R.S. 17:3138(A)(1)(a) and (D) and to enact R.S. 17:3152, relative to

3 public postsecondary education; to provide relative to the consideration of criminal

4 history in the process of admission to public postsecondary education institutions;

5 to prohibit inquiries relative to criminal history prior to an institution's decision

6 relative to a student's admission; to provide exceptions; to provide relative to

7 criminal history with respect to academic programs related to occupational licensing;

8 to provide relative to certain common applications; and to provide for related

9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:3138(A)(1)(a) and (D) are hereby amended and reenacted and

12 R.S. 17:3152 is hereby enacted to read as follows:

13 §3138. Louisiana common application; development; implementation

14 A.(1)(a) The Board of Regents, in collaboration with the public

15 postsecondary education management boards, the chairman of the Senate Committee

1 on Education or his designee, and the chairman of the House Committee on
2 Education or his designee, shall provide for the development and implementation of
3 a common application whereby Louisiana residents and nonresidents may apply to
4 any public college and university in the state. Except as provided in R.S. 17:3152,
5 such application shall not include questions pertaining to an applicant's criminal
6 history.

7 * * *

8 D. Notwithstanding the provisions of Subsection B of this Section, if a
9 student chooses to utilize the "Common Application" developed and administered
10 by the not-for-profit membership organization, The Common Application, Inc., a
11 public college or university may accept such application in lieu of the Louisiana
12 common application required by this Section. If a public college or university
13 accepts such application, it shall not consider any criminal history information
14 provided on the application at any point during the admissions process except as
15 provided in R.S. 17:3152.

16 * * *

17 §3152. Consideration of criminal history; prohibited acts

18 A.(1) Except as provided in Paragraph (2) of this Subsection, a public
19 postsecondary education institution, referred to in this Section as an "institution",
20 shall not inquire about a prospective student's criminal history on an initial
21 application form or at any time during the admissions process prior to the
22 institution's decision relative to the prospective student's acceptance for admission.

23 (2) An institution may inquire on an initial application form about a
24 prospective student's criminal conviction history relative to any conviction for an
25 offense defined in R.S. 14:40.2, 41, 42, 42.1, 43, 43.1, and 43.2 or an offense under
26 the laws of another state or under any military, territorial, foreign, tribal, or federal
27 law that is equivalent to any of these offenses. If an institution elects to deny
28 admission based on any such conviction, it shall notify the person, who may appeal
29 the decision to the entity that considers the institution's disciplinary matters.

1 B.(1) After a student has been accepted for admission, an institution may
2 make inquiries relative to his criminal conviction history, not limited to the offenses
3 enumerated in Paragraph (A)(2) of this Section, for the following purposes:

4 (a) Offering supportive counseling and services.

5 (b) Making decisions relative to a student's participation in campus life and
6 determining if the institution will limit such participation.

7 (2) An institution may make such inquiries when obtaining secondary
8 information, including but not limited to information pertaining to immunizations,
9 financial aid, or housing. If an institution elects to make such inquiries, the
10 institution shall consider all of the following:

11 (a) The nature and gravity of the criminal conduct and whether it bears a
12 direct relationship to a particular aspect of a student's participation in campus life,
13 including but not limited to campus residency and campus activities.

14 (b) The time that has passed since the occurrence of the criminal conduct.

15 (c) The age of the student at the time of the conduct underlying the criminal
16 conviction.

17 (d) Any evidence of rehabilitation or good conduct produced by the student.

18 C.(1) An institution shall not deny based solely on criminal conviction
19 history admission to or continuation in an academic program designed to prepare a
20 student for a career that requires an occupational license. The institution shall offer
21 counseling relative to the licensing requirement in order to assist a student in making
22 an informed decision about pursuing such program.

23 (2) The Louisiana State University Health Sciences Center at New Orleans,
24 the Louisiana State University Health Sciences Center at Shreveport, and the
25 Louisiana State University School of Veterinary Medicine may consider criminal
26 conviction history if information pertaining to such history is provided on an
27 application that is designed by a national application service, tailored for admission
28 to a specific degree program, and used by postsecondary education institutions in
29 multiple states.

- 1 (3) An institution offering a teacher preparation program may consider
 2 criminal conviction history if information pertaining to such history is provided on
 3 the professional conduct form developed by the state Department of Education for
 4 use in the teacher certification process.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 688 Reengrossed

2017 Regular Session

Pierre

Abstract: Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history, except for history pertaining to specified offenses, prior to his acceptance for admission.

Criminal History Inquiry prior to Admission Decision

Proposed law prohibits a public postsecondary education institution (an "institution") from inquiring about a prospective student's criminal history on an initial application or at any time during the admissions process prior to its decision relative to the prospective student's acceptance for admission, except for inquiries relative to convictions for stalking, rape, and sexual battery. Provides that if an institution elects to deny admission based on any such conviction, it shall notify the person, who may appeal the decision to the entity that considers the institution's disciplinary matters.

Criminal History Inquiry after Admission Decision

Proposed law authorizes an institution, after a student has been accepted for admission, to inquire about his criminal conviction history (beyond stalking, rape, and sexual battery) for the following purposes:

- (1) Offering supportive counseling and services.
- (2) Making decisions relative to a student's participation in campus life and determining if the institution shall limit such participation.

Proposed law authorizes an institution to make such inquiries when obtaining secondary information, such as immunizations, financial aid, or housing information. Requires an institution, if it elects to make such inquiries, to consider all of the following:

- (1) The nature and gravity of the criminal conduct and whether it bears a direct relationship to a particular aspect of a student's participation in campus life, including but not limited to campus residency and campus activities.
- (2) The time that has passed since the occurrence of the criminal conduct.
- (3) The student's age at the time of the conduct underlying the criminal conviction.
- (4) Any evidence of rehabilitation or good conduct produced by the student.

**Programs Designed to Prepare Students
for Careers Requiring Occupational Licensing**

Proposed law provides that an institution shall not deny, based solely on criminal conviction history, admission to or continuation in an academic program designed to prepare a student for a career that requires an occupational license. Requires that an institution offer counseling relative to the licensing requirement to assist a student in making an informed decision about pursuing such a program.

Allows certain institutions to consider criminal conviction history if such information is provided on certain applications or forms, as follows:

- (1) Grants such authority to the LSU Health Sciences Centers (New Orleans and Shreveport) and the LSU vet school if such information is provided on an application that is designed by a national application service, tailored for admission to a specific degree program, and used by postsecondary education institutions in multiple states.
- (2) Grants such authority to an institution offering a teacher preparation program if such information is provided on the professional conduct form developed by the state Dept. of Education for use in the teacher certification process.

Common Applications

Present law requires the Bd. of Regents to provide for the development and implementation of a common application that prospective students may use to apply to any institution in the state. Proposed law prohibits the inclusion on this application of questions pertaining to criminal history except as authorized by proposed law.

Present law authorizes public colleges and universities to accept the "Common Application" developed and administered by The Common Application, Inc., in lieu of the La. common application. Proposed law prohibits consideration of any criminal history information provided on such application at any point during the admissions process except as provided in proposed law.

(Amends R.S. 17:3138(A)(1)(a) and (D); Adds R.S. 17:3152)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove authorization for LSU Health Sciences Center (HSC) to consider criminal history if information is provided on applications to specified degree programs. Instead authorizes the Health Sciences Centers to consider such information if the information is provided on an application designed by a national application service, tailored for admission to a specific degree program, and used by postsecondary education institutions in multiple states. Also broadens this authority to apply to the LSU vet school.
2. Additionally grant this authority to institutions offering teacher education programs if the information is provided on the professional conduct form developed by the state Dept. of Education for use in the teacher certification process.