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**HOUSE COMMITTEE AMENDMENTS**

2017 Regular Session

Substitute for Original House Bill No. 122 by Representative Pierre as proposed by the House Committee on Education

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To amend and reenact R.S. 17:3138(A)(1)(a) and (D) and to enact R.S. 17:3152, relative to public postsecondary education; to provide relative to the consideration of criminal history in the process of admission to public postsecondary education institutions; to prohibit inquiries relative to criminal history prior to an institution's decision relative to a student's admission; to provide exceptions; to provide relative to criminal history with respect to academic programs related to occupational licensing; to provide relative to certain common applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138(A)(1)(a) and (D) are hereby amended and reenacted and R.S. 17:3152 is hereby enacted to read as follows:

§3138. Louisiana common application; development; implementation

A.(1)(a) The Board of Regents, in collaboration with the public postsecondary education management boards, the chairman of the Senate Committee on Education or his designee, and the chairman of the House Committee on Education or his designee, shall provide for the development and implementation of a common application whereby Louisiana residents and nonresidents may apply to any public college and university in the state. Such application shall not include questions pertaining to an applicant's criminal history.

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D. Notwithstanding the provisions of Subsection B of this Section, if a student chooses to utilize the "Common Application" developed and administered by the not-for-profit membership organization, The Common Application, Inc., a public college or university may accept such application in lieu of the Louisiana

common application required by this Section. If a public college or university accepts such application, it shall not consider any criminal history information provided on the application at any point during the admissions process.

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§3152. Consideration of criminal history; prohibited acts

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

(2) An institution may inquire on an initial application form about a prospective student's criminal conviction history relative to any conviction for an offense enumerated in R.S. 14:40.2, 41, 42, 42.1, 43, 43.1, and 43.2 or an offense under the laws of another state or under any military, territorial, foreign, tribal, or federal law that is equivalent to any of these offenses. 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.

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

(a) Offering supportive counseling and services.

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

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

(a) 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.

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

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

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

C. (1) 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. The institution shall offer counseling relative to the licensing requirement in order to assist a student in making an informed decision about pursuing such program.

(2) The Louisiana State University Health Sciences Center may consider criminal conviction history if information pertaining to such history is provided on an application designed for applying for admission to any of the following degree programs:

(a) Doctor of Medicine.

(b) Master of Science in Dentistry, Doctor of Dental Surgery, Doctor of Dental Medicine, Bachelor of Science in Dental Hygiene, and Bachelor of Science or Associate of Science in Dental Laboratory Technology.

(c) Bachelor of Science in Nursing, Master of Science in Nursing, and Doctor of Nursing.

(d) Doctor of Physical Therapy.

(e) Master of Occupational Therapy.

(f) Master of Physician Assistant Studies.

(g) Master of Communication Disorders.

(h) Doctor of Audiology.

(i) Master of Public Health.

(j) Master of Science or Doctor of Philosophy in Biostatistics.

(k) Doctor of Philosophy in Community Health.

(l) Doctor of Philosophy in Epidemiology.

## 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 Draft

2017 Regular Session

**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.

Proposed law prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history at any time during admissions process prior to the institution's decision relative to the prospective student's acceptance for admission, except as otherwise provided by proposed law. Such proposed law authorizes an institution to inquire on an initial application form about a prospective student's criminal conviction history relative to any conviction for an offense enumerated in proposed law (R.S. 14:40.2, 41, 42, 42.1, 43, 43.1, and 43.2, which provide relative to stalking, rape, and sexual battery) or an equivalent offense under the laws of another state or under any military, territorial, foreign, tribal, or federal law. 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.

Proposed law authorizes, after a student has been accepted for admission, an institution to make inquiries relative to his criminal conviction history beyond those offenses enumerated in proposed law 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 provides that an institution may make such inquiries when obtaining secondary information, including but not limited to information pertaining to immunizations, financial aid, or housing. Provides that if an institution elects to make such inquiries, it shall 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 age of the student at the time of the conduct underlying the criminal conviction.
- (4) Any evidence of rehabilitation or good conduct produced by the student.

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 in order to assist a student in making an informed decision about pursuing such program. Allows the LSU Health Sciences Center to consider criminal conviction history if information pertaining to such history is provided on an application designed for applying for admission to specified degree programs.

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 public

postsecondary education institution. Proposed law prohibits the inclusion on this application of questions pertaining to criminal history.

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.

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