

ACT No. 276

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

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
16 on Education or his designee, and the chairman of the House Committee on
17 Education or his designee, shall provide for the development and implementation of
18 a common application whereby Louisiana residents and nonresidents may apply to
19 any public college and university in the state. Except as provided in R.S. 17:3152,

1 such application shall not include questions pertaining to an applicant's criminal
2 history.

3 * * *

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

12 * * *

13 §3152. Consideration of criminal history; prohibited acts

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

19 (2) An institution may inquire on an initial application form about a
20 prospective student's criminal conviction history relative to any conviction for an
21 offense defined in R.S. 14:40.2, 40.3, 41, 42, 42.1, 43, 43.1, and 43.2 or an offense
22 under the laws of another state or under any military, territorial, foreign, tribal, or
23 federal law that is equivalent to any of these offenses. If an institution elects to deny
24 admission based on any such conviction, it shall notify the person, who may appeal
25 the decision to the entity that considers the institution's disciplinary matters.

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

29 (a) Offering supportive counseling and services.

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

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

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

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

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

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

14 **(3) After a student has been accepted for admission, an institution offering**
 15 **a teacher preparation program may consider criminal conviction history if**
 16 **information pertaining to such history is provided on the professional conduct form**
 17 **developed by the state Department of Education for use in the teacher certification**
 18 **process. The purpose of such consideration shall be limited to the offering of**
 19 **counseling as provided in Paragraph (C)(1) of this Section.**

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

26 **(2) The Louisiana State University Health Sciences Center at New Orleans,**
 27 **the Louisiana State University Health Sciences Center at Shreveport, the Louisiana**
 28 **State University School of Veterinary Medicine, and other public postsecondary**
 29 **education institutions may consider criminal conviction history if information**
 30 **pertaining to such history is provided on an application that is designed by a national**

1 application service, tailored for admission to a specific degree program, and used by
2 postsecondary education institutions in multiple states.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____