

2017 Regular Session

HOUSE BILL NO. 122

BY REPRESENTATIVES PIERRE AND JAMES

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

COLLEGES/ADMISSIONS: Prohibits questions regarding criminal history on an initial application for admission to a public postsecondary education institution

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AN ACT

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 application and admission to public postsecondary education institutions; to prohibit inquiries relative to criminal history on an initial application form; 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.

\* \* \*

1 D. Notwithstanding the provisions of Subsection B of this Section, if a  
2 student chooses to utilize the "Common Application" developed and administered  
3 by the not-for-profit membership organization, The Common Application, Inc., a  
4 public college or university may accept such application in lieu of the Louisiana  
5 common application required by this Section only under one of the following  
6 circumstances:

7 (1) The "Common Application" does not include questions about criminal  
8 history.

9 (2) The "Common Application" includes questions about criminal history,  
10 but the student has not answered such questions.

11 \* \* \*

12 §3152. Consideration of criminal history; prohibited acts

13 A. No public postsecondary education institution may inquire, including  
14 without limitation on an initial application form, about a prospective student's  
15 criminal history until after the prospective student has been given an opportunity to  
16 interview for acceptance for admission or, if no such interview is to be conducted,  
17 until after the prospective student has been given a conditional offer of acceptance  
18 for admission.

19 B. Nothing in this Section shall be construed to prohibit a public  
20 postsecondary education institution from considering the criminal history of a  
21 prospective student in making the final determination of whether to accept the person  
22 for admission. In considering the criminal history of the prospective student, the  
23 postsecondary education institution may consider the following:

24 (1) The nature and gravity of the criminal conduct.

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

26 (3) The specific requirements of the prospective student's course of study  
27 and the bearing, if any, that the criminal conduct will have on the ability of the  
28 prospective student to meet these requirements.

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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)]

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HB 122 Original

2017 Regular Session

Pierre

**Abstract:** Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history until after an interview or a conditional offer of admission is made and provides for the consideration of criminal history in making admission decisions.

Proposed law prohibits a public postsecondary education institution from inquiring on an initial application form about a prospective student's criminal history until after the prospective student has been given an opportunity to interview for acceptance for admission or, if no such interview is to be conducted, until after the prospective student has been given a conditional offer of acceptance for admission.

Proposed law provides, however, that a public postsecondary education institution may consider the criminal history of a prospective student in making the final determination of whether to accept the person for admission. Authorizes the institution, in considering the criminal history of the prospective student, to consider the following:

- (1) The nature and gravity of the criminal conduct.
- (2) The time that has passed since the occurrence of the criminal conduct.
- (3) The specific parameters of the institution or the prospective student's course of study and the bearing, if any, that the criminal conduct will have on the ability of the prospective student to meet these requirements.

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 limits the authority to accept this application to one of these circumstances:

- (1) The "Common Application" does not include questions about criminal history.
- (2) The "Common Application" does include questions about criminal history, but the student has not answered them.

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