

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 276

By: Brooks

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6 AS INTRODUCED

7 An Act relating to higher education; prohibiting
8 institutions within The Oklahoma State System of
9 Higher Education from inquiring about certain
10 criminal history during certain application or
11 admissions process; providing exceptions for
12 inquiries related to certain crimes or attempted
13 crimes; requiring an institution to provide
14 notification of certain admission denial; providing
15 for appeal; allowing an institution to make inquiries
16 of certain criminal history for certain purposes
17 after a student has been accepted; allowing an
18 institution to make certain inquiries when obtaining
19 certain secondary information; requiring an
20 institution that makes such inquires to give certain
21 consideration; allowing an institution that offers a
22 teacher preparation program to make certain
23 inquiries; providing for counseling to be offered;
24 prohibiting an institution from denying admission to
or continuation of certain program based solely on
certain criminal history; providing for counseling to
be offered; allowing certain institutions to consider
certain criminal history if it is part of certain
application designed by certain national application
services; allowing promulgation of rules; providing
for codification; providing an effective date; and
declaring an emergency.

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27 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 3218.16 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Except as provided in subsection B of this section,
5 institutions within The Oklahoma State System of Higher Education
6 shall not inquire about a prospective student's criminal history on
7 an initial application form for admission or at any time during the
8 admissions process prior to the institution's decision to accept or
9 reject the prospective student's application.

10 B. An institution within The Oklahoma State System of Higher
11 Education may inquire on an initial application form about a
12 prospective student's criminal history related to any conviction,
13 whether upon a verdict or plea of guilty or upon a plea of nolo
14 contendere, or a suspended sentence or any probationary term for a
15 crime or an attempt to commit a crime provided for in Section 1111,
16 1114, 1123, 1172 or 1173 of Title 21 of the Oklahoma Statutes or an
17 offense under the laws of another state or under any military,
18 territorial, foreign, tribal or federal law that is equivalent to
19 such crimes or attempted crimes. If an institution elects to deny
20 admission based on any such conviction, it shall notify the
21 prospective student, who may appeal the decision to the entity that
22 considers the institution's disciplinary matters.

23 C. 1. After a student has been accepted for admission, an
24 institution may make inquiries related to his or her criminal
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1 conviction history, not limited to the crimes or attempted crimes
2 referenced in subsection B of this section, for the following
3 purposes:

- 4 a. offering supportive counseling and services, and
- 5 b. making decisions relative to a student's participation
6 in campus life and determining if the institution
7 should limit such participation.

8 2. An institution may make inquiries as provided for in
9 paragraph 1 of this subsection when obtaining secondary information
10 including but not limited to information pertaining to
11 immunizations, financial aid or housing. If an institution elects
12 to make such inquiries, the institution shall consider all of the
13 following:

- 14 a. the nature and gravity of the criminal conduct and
15 whether it bears a direct relationship to a particular
16 aspect of a student's participation in campus life
17 including but not limited to campus residency and
18 campus activities,
- 19 b. the time that has passed since the occurrence of the
20 crime or attempted crime,
- 21 c. the age of the student at the time of the conduct
22 underlying the crime or attempted crime, and
- 23 d. any evidence of rehabilitation or good conduct
24 produced by the student.

1 D. 1. After a student has been accepted for admission, an
2 institution offering a teacher preparation program may consider
3 criminal history if information pertaining to such history would
4 prohibit the student from being issued a certificate to teach
5 pursuant to the provisions of paragraph 6 of Section 3-104 of Title
6 70 of the Oklahoma Statutes. The purpose of such consideration
7 shall be limited to the offering of counseling as provided for in
8 paragraph 1 of subsection C of this section.

9 2. An institution shall not deny admission to or continuation
10 in an academic program designed to prepare a student for a career
11 that requires an occupational license or a certificate to teach
12 based solely on criminal history. The institution shall offer
13 counseling related to the licensing or certification requirement to
14 assist a student in making an informed decision about pursuing such
15 a program.

16 E. The University of Oklahoma Health Sciences Center, the
17 University of Oklahoma College of Medicine, the University of
18 Oklahoma College of Medicine-Tulsa, the Oklahoma State University
19 Center for Health Sciences, the Oklahoma State University College of
20 Osteopathic Medicine and other institutions within The Oklahoma
21 State System of Higher Education may consider criminal history if
22 information pertaining to such history is provided on an application
23 that is designed by a national application service, tailored for
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1 admission to a specific degree program and used by institutions of
2 higher education in multiple states.

3 F. The Oklahoma State Regents for Higher Education may
4 promulgate rules to implement the provisions of this section.

5 SECTION 2. This act shall become effective July 1, 2021.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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