

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 127

(Senators Patterson and Augustine)

Education, Health, and Environmental Affairs

Appropriations

---

**Institutions of Higher Education - Use of Criminal History in Admission -  
Modifications**

---

This bill prohibits an institution of higher education that receives State funds from disqualifying an applicant from undergraduate admission based on the applicant's criminal history obtained from a third-party admissions application. Further, an institution may not make inquiries into and consider information about a student's criminal history for the purpose of admission, including to deny or limit a student's admission into a particular academic program. An institution of higher education may develop a process for determining or restricting access to campus residency for a student who has been convicted of (1) a sexual crime under Title 3, Subtitle 3 of the Criminal Law Article; (2) a crime of violence under Title 14 of the Criminal Law Article; or (3) a substantially similar crime in another state. **The bill takes effect July 1, 2021.**

---

**Fiscal Summary**

**State Effect:** Institutions of higher education can make changes to the admissions process using existing resources. Any institutional costs to develop a process to determine or restrict access to campus residency for students convicted of sexual crimes or crimes of violence, as specified, are due to institutional choices. Revenues are not affected.

**Local Effect:** Local community colleges can make changes to the admissions process using existing resources. Any community college costs to develop a process to determine or restrict access to campus residency for students convicted of sexual crimes or crimes of violence, as specified, are due to college choices. Revenues are not affected.

**Small Business Effect:** None.

---

## Analysis

**Bill Summary:** In effect, the bill prohibits an institution of higher education that receives State funds from disqualifying an applicant from undergraduate admission, including specific academic programs, based on the applicant's criminal history.

**Current Law:** The Maryland Fair Access to Education Act of 2017 (Chapter 2 of 2018) generally prohibits an institution of higher education that receives State funds from using an undergraduate admissions application that contains questions about the criminal history of the applicant. However, an institution may use a third-party admissions application that contains questions about the criminal history of the applicant if the institution posts a notice on its website stating that a criminal history does not disqualify an applicant from admission. A student's criminal history may be inquired into and considered for the purposes of deciding admission and access to campus residency or offering counseling and services. An institution of higher education must develop a process that considers specified issues in denying admission or limiting access to an affected student's campus residency or a specific academic program.

State law allows various State licensure boards, including health occupations boards, to prohibit licensure to an individual who is convicted of or pleads guilty or *nolo contendere* to a felony or to a crime involving moral turpitude or other specified crimes.

### *Sexual Crimes*

Title 3, Subtitle 3 of the Criminal Law Article contains statutory provisions pertaining to several sexual crimes, ranging from rape in the first degree to sexual offense in the fourth degree.

### *Crimes of Violence*

Section 14-101 of the Criminal Law Article defines a "crime of violence" as (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking (including armed carjacking); (11) first- and second-degree sexual offenses; (12) use of a firearm in the commission of a felony or other crime of violence, except possession with intent to distribute a controlled dangerous substance; (13) child abuse in the first degree; (14) sexual abuse of a minor younger than age 13 under specified circumstances; (15) home invasion; (16) felony sex trafficking and forced marriage; (17) an attempt to commit crimes listed under items 1 through 16; (18) continuing course of certain sexual conduct with a child; (19) assault in the first degree; and (20) assault with intent to murder, rape, rob, or commit a sexual offense in the first or second degree.

**State and Local Fiscal Effect:** Institutions can make required changes to their admissions processes using existing resources. Institutions that offer academic programs that prepare individuals for occupations that require licensure may choose to provide additional information to students interested in particular programs that individuals with certain criminal histories are ineligible for licensure in particular professions and, thus, should pursue another academic pathway. This information can be provided using existing resources.

Under the bill, institutions may choose, but are not required, to develop a process for determining or restricting access to campus residency for a student who has been convicted of sexual crimes or crimes of violence, as specified. Thus, any costs are due to institutional choices. Most public four-year institutions and some community colleges operate campus residencies for their students.

---

### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Higher Education Commission; Baltimore City Community College; University System of Maryland; Morgan State University; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2021  
rh/rhh Third Reader - April 1, 2021  
Revised - Amendment(s) - April 1, 2021

---

Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510