



## POSITION ON PROPOSED LEGISLATION

**BILL:** SB 127 – Institutions of Higher Education - Use of Criminal History in Admission - Modifications

**POSITION:** Favorable, with Amendments

**DATE:** February 9, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report with Amendments on Senate Bill 127.

This Bill correctly acknowledges that educational opportunities are not only a tool for the betterment of self, but as yet another troublesome stumbling block to those with past criminal convictions. This Bill modifies current law to prevent schools from considering criminal history as a factor for admissions to higher education. The Office of the Public Defender believes this should also be extended to delinquency history.

Where schools are informed of an individual's past criminal and delinquency history, they are less likely to admit them. Yet we also expect that individuals with criminal and delinquency records take significant steps to improve themselves—to leave their pasts behind. We then blame them when they haven't achieved the goals society has placed in front of them.

This legislation recognizes the hypocrisy in demanding change from those with troubled pasts without providing them tools to make a new start. SB 127 modifies existing language in the various college admissions statutes to clarify that only campus housing choices, and not admissions, are to be in any way related to criminal history. The Bill also contains language that allows for the provision of additional supportive services to individuals with criminal history.

We know that higher education is a bridge to gainful employment and stability. We also know that school exclusion oftentimes leads to higher rates of criminal behavior.

The Office of the Public Defender supports this bill effort, and would further enhance its overall intent by amending and adding "delinquency history" to any place in the statute where "criminal record" or "criminal history" occurs.

Indeed, most applicants to higher education will be between the ages of 17 and 19. It is more likely for individuals in these age ranges, who may be impacted by this legislation, to have a delinquency history rather than a criminal history, if any.

In our expungement work, the Juvenile Defender's Office in Baltimore City has found that individuals are typically confused as to whether their delinquency records are to be considered

*For further information please contact David Shapiro, Assistant Public Defender, Juvenile Division at [david.shapiro@maryland.gov](mailto:david.shapiro@maryland.gov) or 443-263-8970, or Krystal Williams, Director, Government Relations Division, at [krystal.williams@maryland.gov](mailto:krystal.williams@maryland.gov) or at 443-908-0241.*

criminal records. And while their delinquency records are already to be kept from higher education, there are still ways in which schools find out about youthful transgressions that make their way into the admissions decision, or keep young people from applying in the first place.

As the law currently stands, there is little to prevent a college or university from inquiring about delinquency history. There is little to prevent such an institution from at least considering both criminal and delinquency history as a factor in admissions.

SB 127 would change that for the better in terms of an adult criminal record. It ought to do the same for a delinquency record.

\* \* \*

For these reasons, the Maryland Office of the Public Defender urges a favorable report *with amendments* on Senate Bill 127.