

2017 Regular Session

HOUSE BILL NO. 688 (Substitute for House Bill No. 122 by Representative Pierre)

BY REPRESENTATIVES PIERRE, JAMES, AMEDEE, BOUIE, BROADWATER,  
EDMONDS, HALL, LEGER, PRICE, AND SMITH AND SENATOR BISHOP

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

COLLEGES/ADMISSIONS: Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history, except for history pertaining to specified offenses, prior to his acceptance for admission

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 on an initial application form about a prospective student's criminal  
17 history at any time during the admissions process prior to the institution's decision  
18 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, 41, 42, 42.1, 43, 43.1, and 43.2 or an offense under  
22 the laws of another state or under any military, territorial, foreign, tribal, or federal  
23 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          C.(1) An institution shall not deny based solely on criminal conviction  
15          history admission to or continuation in an academic program designed to prepare a  
16          student for a career that requires an occupational license. The institution shall offer  
17          counseling relative to the licensing requirement in order to assist a student in making  
18          an informed decision about pursuing such program.

19          (2) The Louisiana State University Health Sciences Center may consider  
20          criminal conviction history if information pertaining to such history is provided on  
21          an application designed for applying for admission to any of the following degree  
22          programs:

23                 (a) Doctor of Medicine.

24                 (b) Master of Science in Dentistry, Doctor of Dental Surgery, Doctor of  
25                 Dental Medicine, Bachelor of Science in Dental Hygiene, and Bachelor of Science  
26                 or Associate of Science in Dental Laboratory Technology.

27                 (c) Bachelor of Science in Nursing, Master of Science in Nursing, and  
28                 Doctor of Nursing.

29                 (d) Doctor of Physical Therapy.

- 1                   (e) Master of Occupational Therapy.
  - 2                   (f) Master of Physician Assistant Studies.
  - 3                   (g) Master of Communication Disorders.
  - 4                   (h) Doctor of Audiology.
  - 5                   (i) Master of Public Health.
  - 6                   (j) Master of Science or Doctor of Philosophy in Biostatistics.
  - 7                   (k) Doctor of Philosophy in Community Health.
  - 8                   (l) Doctor of Philosophy in Epidemiology.
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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 688 Engrossed

2017 Regular Session

Pierre

**Abstract:** Prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history, except for history pertaining to specified offenses, prior to his acceptance for admission.

Proposed law prohibits a public postsecondary education institution from inquiring about a prospective student's criminal history at any time during admissions process prior to the institution's decision relative to the prospective student's acceptance for admission, except as otherwise provided by proposed law. Such proposed law authorizes an institution to inquire on an initial application form about a prospective student's criminal conviction history relative to any conviction for an offense defined in proposed law relative to stalking, rape, and sexual battery or an equivalent offense under the laws of another state or under any military, territorial, foreign, tribal, or federal law. Provides that if an institution elects to deny admission based on any such conviction, it shall notify the person, who may appeal the decision to the entity that considers the institution's disciplinary matters.

Proposed law authorizes, after a student has been accepted for admission, an institution to make inquiries relative to his criminal conviction history beyond those offenses enumerated in proposed law for the following purposes:

- (1) Offering supportive counseling and services.
- (2) Making decisions relative to a student's participation in campus life and determining if the institution shall limit such participation.

Proposed law provides that an institution may make such inquiries when obtaining secondary information, including but not limited to information pertaining to immunizations, financial aid, or housing. Provides that if an institution elects to make such inquiries, it shall consider all of the following:

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

- (2) The time that has passed since the occurrence of the criminal conduct.
- (3) The age of the student at the time of the conduct underlying the criminal conviction.
- (4) Any evidence of rehabilitation or good conduct produced by the student.

Proposed law provides that an institution shall not deny based solely on criminal conviction history admission to or continuation in an academic program designed to prepare a student for a career that requires an occupational license. Requires that an institution offer counseling relative to the licensing requirement in order to assist a student in making an informed decision about pursuing such program. Allows the LSU Health Sciences Center to consider criminal conviction history if information pertaining to such history is provided on an application designed for applying for admission to specified degree programs.

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 except as authorized by proposed law, which authorizes this for certain crimes.

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 prohibits consideration of any criminal history information provided on such application at any point during the admissions process except as provided in proposed law.

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