

2020 SESSION

SENATE SUBSTITUTE

20107838D

SENATE BILL NO. 99

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 6, 2020)

(Patron Prior to Substitute—Senator Marsden)

A *BILL to amend the Code of Virginia by adding a section numbered 23.1-407.1, relating to public institutions of higher education; admissions applications; criminal history.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-407.1 as follows:

§ 23.1-407.1. Admissions applications; criminal history.

A. No public institution of higher education shall (i) utilize an institution-specific admissions application that contains questions about the criminal history of the applicant; (ii) deny admission to any applicant on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution; or (iii) otherwise inquire about the criminal history of an applicant for admission prior to the applicant receiving a conditional offer of acceptance from the institution, with the exception of a question to ascertain whether the applicant has been convicted of or pled guilty to a violent crime or felony.

B. Nothing in this section shall be construed to prohibit a public institution of higher education from inquiring into the criminal history of any individual who is admitted to or enrolled at the institution or from withdrawing an offer of admission to any individual whom the institution subsequently determines, through an individualized assessment, to have a criminal history that places the institution's community at an unreasonable risk or is inconsistent with academic program standards.

C. Any public institution of higher education that mandates enrollment in the Reserve Officers' Training Corps as a condition of admission may inquire about the criminal history of the applicant prior to the applicant receiving a conditional offer of acceptance to affirm eligibility to accept a commission in the United States Armed Services.

2. That the provisions of this act shall become effective on July 1, 2021.

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