

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1930]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 23.1-407.1 as follows:**8 ***§ 23.1-407.1. Admissions applications; criminal history.***

9 *A. No public institution of higher education shall (i) utilize an institution-specific admissions*
10 *application that contains questions about the criminal history of the applicant or (ii) deny admission to*
11 *any applicant solely on the basis of any criminal history information provided by the applicant on any*
12 *third-party admissions application accepted by the institution.*

13 *B. Notwithstanding the provisions of subsection A, any public institution of higher education that*
14 *requires each student to enroll in the Reserve Officers' Training Corps (ROTC) as a condition of*
15 *enrollment may inquire into the criminal history of any applicant prior to the applicant's receiving a*
16 *conditional offer of acceptance to determine his eligibility to accept a commission in the Armed Forces*
17 *of the United States.*

18 *C. Nothing in this section shall be construed to prohibit a public institution of higher education from*
19 *inquiring into the criminal history of any individual who has been admitted to but has yet to enroll at*
20 *the institution. Any public institution of higher education may withdraw an offer of admission to any*
21 *individual whom the institution subsequently determines to have a criminal history that poses a threat to*
22 *the institution's community.*

23 *D. Notwithstanding the provisions of subsection A, a law school of a public institution of higher*
24 *education that is accredited by the American Bar Association may inquire into the criminal history of*
25 *any applicant to determine whether the applicant appears capable of being admitted to the bar. Any*
26 *such law school shall inform applicants that the existence of a criminal history will not, by itself,*
27 *disqualify an applicant for admission.*

28 **2. That the provisions of this act shall become effective on January 1, 2022.**

ENROLLED

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