

REFERENCE TITLE: postsecondary institutions; criminal history; applicants

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1506

Introduced by
Senator Quezada

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-1826; RELATING TO STUDENT ADMISSIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 14, article 2, Arizona Revised
3 Statutes, is amended by adding section 15-1826, to read:

4 15-1826. Admissions applications; criminal history;
5 applicants; definitions

6 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, AN
7 INSTITUTION OF HIGHER EDUCATION MAY NOT USE AN INITIAL ADMISSIONS
8 APPLICATION THAT REQUESTS INFORMATION ABOUT THE APPLICANT'S CRIMINAL
9 HISTORY.

10 B. AN INSTITUTION OF HIGHER EDUCATION MAY USE A THIRD-PARTY
11 ADMISSIONS APPLICATION THAT REQUESTS INFORMATION ABOUT THE APPLICANT'S
12 CRIMINAL HISTORY IF THE INSTITUTION OF HIGHER EDUCATION POSTS A NOTICE ON
13 ITS WEBSITE STATING THAT THE INSTITUTION OF HIGHER EDUCATION WILL NOT
14 AUTOMATICALLY OR UNREASONABLY DENY ADMISSION OR RESTRICT ACCESS TO CAMPUS
15 RESIDENCY BASED ON AN APPLICANT'S CRIMINAL HISTORY.

16 C. AFTER AN APPLICANT HAS OTHERWISE BEEN DETERMINED TO BE QUALIFIED
17 FOR ADMISSION, AN INSTITUTION OF HIGHER EDUCATION MAY INQUIRE INTO OR
18 OBTAIN INFORMATION ABOUT THE APPLICANT'S CRIMINAL HISTORY FOR THE PURPOSES
19 OF EITHER:

20 1. ACCEPTING OR DENYING THE APPLICANT FOR ADMISSION TO THE
21 INSTITUTION OF HIGHER EDUCATION OR RESTRICTING ACCESS TO CAMPUS RESIDENCY.

22 2. OFFERING COUNSELING OR SUPPORT SERVICES TO HELP REHABILITATE AND
23 EDUCATE THE APPLICANT ON BARRIERS A CRIMINAL HISTORY MAY PRESENT.

24 D. AFTER INQUIRING INTO OR OBTAINING INFORMATION UNDER THIS
25 SECTION, AN INSTITUTION OF HIGHER EDUCATION MAY NOT AUTOMATICALLY OR
26 UNREASONABLY DENY AN APPLICANT'S ADMISSION OR RESTRICT ACCESS TO CAMPUS
27 RESIDENCY BASED ON THAT APPLICANT'S CRIMINAL HISTORY.

28 E. EACH INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP A PROCESS TO
29 DETERMINE WHETHER THERE IS A RELATIONSHIP BETWEEN AN APPLICANT'S CRIMINAL
30 HISTORY AND A SPECIFIC ACADEMIC PROGRAM OR CAMPUS RESIDENCY TO JUSTIFY
31 DENYING ADMISSION OR RESTRICTING ACCESS TO CAMPUS RESIDENCY. THE PROCESS
32 DEVELOPED UNDER THIS SUBSECTION SHALL BE SET FORTH IN WRITING AND SHALL
33 CONSIDER ALL OF THE FOLLOWING:

34 1. THE AGE OF THE APPLICANT AT THE TIME ANY ASPECT OF THE
35 APPLICANT'S CRIMINAL HISTORY OCCURRED.

36 2. THE TIME THAT HAS ELAPSED SINCE ANY ASPECT OF THE APPLICANT'S
37 CRIMINAL HISTORY OCCURRED.

38 3. THE NATURE OF THE CRIMINAL HISTORY, INCLUDING WHETHER THE
39 APPLICANT WAS CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706,
40 A VIOLENT OR AGGRAVATED FELONY AS DEFINED IN SECTION 13-706 OR A SEXUAL
41 OFFENSE PRESCRIBED IN TITLE 13, CHAPTER 14.

42 4. EVIDENCE OF THE APPLICANT'S REHABILITATION OR GOOD CONDUCT.

1 F. FOR THE PURPOSES OF THIS SECTION:

2 1. "ADMISSIONS APPLICATION" MEANS AN INDIVIDUAL APPLICATION TO
3 ENROLL AS AN UNDERGRADUATE OR GRADUATE STUDENT AT AN INSTITUTION OF HIGHER
4 EDUCATION.

5 2. "CRIMINAL HISTORY" INCLUDES ANY RECORD ABOUT A CITATION OR
6 ARREST FOR CRIMINAL CONDUCT, INCLUDING ANY RECORD RELATING TO PROBABLE
7 CAUSE TO ARREST, AND ANY RECORD ABOUT A CRIMINAL OR JUVENILE CASE FILED
8 WITH ANY COURT, WHETHER OR NOT THE CASE RESULTED IN A FINDING OF GUILT.

9 3. "INSTITUTION OF HIGHER EDUCATION" MEANS A COMMUNITY COLLEGE AS
10 DEFINED IN SECTION 15-1401 OR A UNIVERSITY UNDER THE JURISDICTION OF THE
11 ARIZONA BOARD OF REGENTS.

12 4. "THIRD-PARTY ADMISSIONS APPLICATION" MEANS AN ADMISSIONS
13 APPLICATION THAT IS NOT CONTROLLED BY THE INSTITUTION OF HIGHER EDUCATION.

14 Sec. 2. Short title

15 This act may be cited as the "Arizona Fair Chance to Education Act".