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HOUSE BILL NO. 539

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 23.1-407.1 of the Code of Virginia, relating to public institutions of higher education; criminal history.*

Patron—Batten

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-407.1 of the Code of Virginia is amended and reenacted 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 or (ii) deny admission to any applicant solely on the basis of any criminal history information provided by the applicant on any third-party admissions application accepted by the institution. *However, each public institution of higher education shall include a disclosure to each applicant that certain criminal convictions may disqualify such applicant from pursuing his intended course of study or living in student housing, if applicable, and that applicants may contact the institution of higher education to learn more about which criminal convictions preclude individuals from pursuing certain courses of study or living in student housing.*

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

C. 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 has been admitted to but has yet to enroll at the institution. Any public institution of higher education may withdraw an offer of admission to any individual whom the institution subsequently determines to have a criminal history that poses a threat to the institution's community.

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

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