

SB 6582 - H COMM AMD  
By Committee on Higher Education

ADOPTED 03/01/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

6 (1) "Admissions application" means an individual application to  
7 enroll as an undergraduate or graduate student at an institution of  
8 higher education.

9 (2) "Criminal record" or "criminal history" includes any record  
10 about a citation or arrest for criminal conduct, including any  
11 records relating to probable cause to arrest, and includes any record  
12 about a criminal or juvenile case filed with any court, whether or  
13 not the case resulted in a finding of guilt.

14 (3) "Institutions of higher education" means the state  
15 universities, the regional universities, The Evergreen State College,  
16 the community colleges, and the technical colleges that receive state  
17 funds.

18 (4) "Third-party admissions application" means an admissions  
19 application not controlled by the institution.

20 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2)  
21 of this section, an institution of higher education may not use an  
22 initial admissions application that requests information about the  
23 criminal history of the applicant.

24 (2) An institution of higher education may, but is not required  
25 to, use a third-party admissions application that contains  
26 information about the criminal history of the applicant if the  
27 institution of higher education posts a notice on its web site  
28 stating that the institution of higher education may not  
29 automatically or unreasonably deny an applicant's admission or  
30 restrict access to campus residency based on an applicant's criminal  
31 history.

1        NEW SECTION.    **Sec. 3.**    (1) After an applicant has otherwise been  
2 determined to be qualified for admission, an institution of higher  
3 education may, but is not required to, inquire into or obtain  
4 information about an applicant's criminal history for the purpose of:

5        (a) Accepting or denying an applicant for admission to the  
6 institution of higher education or restricting access to campus  
7 residency; or

8        (b) Offering supportive counseling or services to help  
9 rehabilitate and educate the student on barriers a criminal record  
10 may present.

11        (2) After inquiring into or obtaining information under this  
12 section, an institution of higher education may not automatically or  
13 unreasonably deny an applicant's admission or restrict access to  
14 campus residency based on that applicant's criminal history.

15        NEW SECTION.    **Sec. 4.**    (1) Each institution of higher education  
16 shall develop a process to determine whether or not there is a  
17 relationship between an applicant's criminal history and a specific  
18 academic program or campus residency to justify denial of admission  
19 or restrict access to campus residency.

20        (2) The process developed under this section shall be set forth  
21 in writing and shall include consideration of:

22        (a) The age of the applicant at the time any aspect of the  
23 applicant's criminal history occurred;

24        (b) The time that has elapsed since any aspect of the applicant's  
25 criminal history occurred;

26        (c) The nature of the criminal history, including but not limited  
27 to whether the applicant was convicted of a "serious violent offense"  
28 or a "sex offense" as those terms are defined in RCW 9.94A.030; and

29        (d) Evidence of rehabilitation or good conduct produced by the  
30 applicant.

31        NEW SECTION.    **Sec. 5.**    This act may be known and cited as the  
32 Washington fair chance to education act.

33        NEW SECTION.    **Sec. 6.**    Sections 1 through 5 of this act  
34 constitute a new chapter in Title 28B RCW."

35        Correct the title.

EFFECT: (1) Uses the term "criminal history" rather than "criminal conviction history" for the sake of consistency, in the provision describing when an institution of higher education can inquire into an applicant's criminal background.

(2) Provides that in developing their processes to determine whether an applicant's criminal history justifies denying or restricting the applicant, the institutions of higher education must consider whether the applicant was convicted of a serious violent offense or a sex offense, as defined in the Sentencing Reform Act.

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