



# REVISED FISCAL NOTE

(replaces fiscal note dated March 15, 2019)

**Drafting Number:** LLS 19-0405  
**Prime Sponsors:** Sen. Rodriguez; Tate  
Rep. Herod

**Date:** April 11, 2019  
**Bill Status:** House Education  
**Fiscal Analyst:** Anna Gerstle | 303-866-4375  
Anna.Gerstle@state.co.us

**Bill Topic:** INQUIRY INTO COLLEGE APPLICANT CRIMINAL HISTORY

**Summary of  
Fiscal Impact:**  State Revenue  TABOR Refund  
 State Expenditure  Local Government  
 State Transfer  Statutory Public Entity

The bill prohibits state institutions of higher education from inquiring into an applicant's criminal or disciplinary history on an application for admission, with a few exceptions. The bill increases state workload and institution costs on an ongoing basis.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This fiscal note reflects the reengrossed bill.

## Summary of Legislation

The bill prohibits state institutions of higher education from inquiring into, requiring disclosure of, or obtaining an applicant's criminal or disciplinary history, except that institutions may inquire into an applicant's:

- prior convictions or disciplinary history at another academic institution related to stalking, sexual assault, and domestic violence;
- convictions for assault, kidnapping, voluntary manslaughter, or murder that occurred within the previous five years;
- pending criminal charges; and
- educational records related to academic performance.

Institutions may not use any prohibited information as a basis for rejecting an applicant. Any permitted review of convictions, disciplinary, or educational records must be completed in a reasonable amount of time. For the purposes of the bill, the definition of institutions of higher education does not include local district colleges or area technical colleges.

**Common applications.** Institutions that accept an application that is used to apply to other institutions must not consider criminal or disciplinary history provided on that application; however, institutions may consider criminal conviction history if the information is provided on an application designed by a national application service, tailored for admission to a specific degree program, and used by institutions in other states.

**Right to appeal.** An applicant denied admission based on the criminal or disciplinary history that institutions are allowed to obtain under the bill, or based on information that is provided on a national application that the institutions would otherwise be prohibiting from collecting, may appeal the admission decision. Admission applications must inform the applicant of this right to appeal, and that he or she is not required to disclose information contained in a sealed record.

**Student housing and campus life.** Once a student is admitted, an institution may inquire into the student's criminal history as it relates to participating in campus life or student housing. If the institution requires that information, the institution must consider the following:

- nature and gravity of the criminal conduct;
- whether it has a direct relationship to the student's participation in campus residency and activities;
- the time since the criminal conduct occurred;
- the age of the student at the time of the conviction;
- evidence of rehabilitation or good conduct that is provided by the student; and
- the benefit to the student to participate in campus life.

**Institution policies.** Institutions must publish any policies related to the consideration of criminal or disciplinary history on their website, file the policies with the Colorado Commission on Higher Education (CCHE), and notify CCHE at least 30 days prior to modifying the policy.

## **State Expenditures**

Beginning in FY 2019-20, the bill increases costs and workload for state institutions of higher education to implement the bill's provisions. Costs may increase to implement an appeals process, and to modify application forms, admission procedures, and student housing and campus life policies and procedures, as well as to update and file related policies. The costs will vary among institutions based on current policies, admission processes, and available resources; some of the increase may be offset by a decrease in costs related to reviewing all criminal or disciplinary records for applicants. No change in state appropriations is required.

The bill also increases workload for the CCHE to maintain files of the policies adopted by state institutions of higher education related to the bill's provisions. This increase is expected to be minimal.

## **Effective Date**

The bill takes effect May 1, 2020, if no referendum petition is filed.

## **State and Local Government Contacts**

Higher Education