

1 AN ACT relating to student criminal history background checks.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) A public postsecondary education institution shall not inquire about a prospective*
6 *student's criminal history prior to the institution's decision regarding the*
7 *prospective student's acceptance for admission, including admission into*
8 *graduate programs, except as provided in subsections (2) and (4) of this section.*

9 *(2) (a) A public postsecondary institution may ask on its admissions application if*
10 *a prospective student:*

11 *1. Is a violent offender as specified in KRS 439.3401; or*

12 *2. Has been convicted of, pled guilty to, or entered an Alford plea to:*

13 *a. A sex crime as specified in KRS 17.500;*

14 *b. Stalking as described in KRS 508.140; or*

15 *c. An offense under the laws of another state or under any military,*
16 *territorial, foreign, tribal, or federal law that is similar to any of*
17 *the offenses described in this paragraph.*

18 *(b) If an institution elects to deny admission based on any such offense, it shall*
19 *notify the prospective student, who may appeal the decision to the entity*
20 *designated by the institution to consider such appeals.*

21 *(3) After a student has been accepted for admission, a public postsecondary*
22 *institution may make inquiries regarding the student's criminal history, not*
23 *limited to the offenses described in subsection (2) of this section, for the purposes*
24 *of:*

25 *(a) Offering supportive counseling and services; and*

26 *(b) Informing decisions regarding a student's participation in campus*
27 *activities, organizations, and residency. An institution shall consider:*

- 1 1. The nature and gravity of the criminal conduct and whether it bears a
- 2 direct relationship to a particular aspect of the student's participation
- 3 in campus activities, organizations, or residency;
- 4 2. The time that has passed since the occurrence of the criminal
- 5 conduct;
- 6 3. The age of the student at the time of the criminal conduct; and
- 7 4. Any evidence of rehabilitation or good conduct produced by the
- 8 student.

9 (4) (a) A public postsecondary institution may inquire about a prospective student's
10 criminal history prior to the student's acceptance for admission into a
11 professional degree program; however, an institution shall not deny
12 admission based solely on criminal history.

13 (b) If an institution admits a student who has a criminal history into a
14 professional degree program, the institution shall, prior to the student
15 starting classes, offer counseling to the student relative to occupational
16 licensing requirements to assist the student in making an informed decision
17 about pursuing the program.