

ASSEMBLY, No. 895

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

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District 15 (Hunterdon and Mercer)

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Assemblywoman McCoy

SYNOPSIS

Prohibits institutions of higher education and degree-granting proprietary institutions from using applications for admission that inquire about applicant's criminal history; establishes "Universal College Application Development Task Force" to develop standard application for admission.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/22/2024)

1 **AN ACT** prohibiting certain higher educational institutions from
2 inquiring about an applicant’s criminal history, establishing the
3 “Universal College Application Development Task Force,” and
4 supplementing Title 18A of the New Jersey Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. Except as provided in subsection c. of section 2 of
10 P.L. , c. (C.) (pending before the Legislature as this bill), an
11 application for admission used by any institution of higher
12 education or degree-granting proprietary institution in the State
13 shall not have any question related to, or otherwise contain a
14 request for information about, the criminal history, including the
15 juvenile criminal history, of a prospective student. The provisions
16 of this section shall not apply to an application for admission to a
17 law school.

18
19 2. a. The Secretary of Higher Education shall adopt and make
20 available to each public and independent institution of higher
21 education, excluding law schools, and to each degree-granting
22 proprietary institution in the State the standard application
23 developed by the Universal College Application Development Task
24 Force established pursuant to section 4 of P.L. , c. (pending
25 before the Legislature as this bill) as soon as practicable after the
26 task force submits its report pursuant to section 8 of
27 P.L. , c. (pending before the Legislature as this bill). The
28 standard application shall enable an applicant to apply to any public
29 or independent institution of higher education, excluding law
30 school, and to any degree-granting proprietary institution in the
31 State.

32 b. Except as provided in subsection c. of this section, the
33 standard application developed by the task force shall not have any
34 question related to, or otherwise contain a request for information
35 about, the criminal history, including the juvenile criminal history,
36 of a prospective student.

37 c. Notwithstanding the provisions of subsection b. of this
38 section, the standard application developed by the task force and
39 used by an institution to determine an applicant’s admission to the
40 institution shall be entitled to inquire about an applicant’s record of
41 conviction for the following crimes specified in the New Jersey
42 Code of Criminal Justice: N.J.S.2C:11-1 et seq. (Criminal
43 Homicide), except death by auto as specified in N.J.S.2C:11-5 and
44 strict liability vehicular homicide as specified in section 1 of
45 P.L.2017, c.165 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping);
46 section 1 of P.L.1993, c.291 (C.2C:13-6) (Luring or Enticing);
47 section 1 of P.L.2005, c.77 (C.2C:13-8) (Human Trafficking);
48 N.J.S.2C:14-2 (Sexual Assault or Aggravated Sexual Assault);

1 subsection a. of N.J.S.2C:14-3 (Aggravated Criminal Sexual
2 Contact); if the victim is a minor, subsection b. of N.J.S.2C:14-3
3 (Criminal Sexual Contact); if the victim is a minor and the offender
4 is not the parent of the victim, N.J.S.2C:13-2 (Criminal Restraint)
5 or N.J.S.2C:13-3 (False Imprisonment); N.J.S.2C:15-1 (Robbery);
6 N.J.S.2C:17-1 (Arson and Related Offenses); subsection a. of
7 N.J.S.2C:24-4 (Endangering the welfare of a child by engaging in
8 sexual conduct which would impair or debauch the morals of the
9 child, or causing the child other harm); paragraph (4) of subsection
10 b. of N.J.S.2C:24-4 (Photographing or filming a child in a
11 prohibited sexual act or for portrayal in a sexually suggestive
12 manner); paragraph (3) of subsection b. of N.J.S.2C:24-4 (Causing
13 or permitting a child to engage in a prohibited sexual act or the
14 simulation of an act, or to be portrayed in a sexually suggestive
15 manner); subparagraph (a) of paragraph (5) of subsection b. of
16 N.J.S.2C:24-4 (Distributing, possessing with intent to distribute or
17 using a file-sharing program to store items depicting the sexual
18 exploitation or abuse of a child); subparagraph (b) of paragraph (5)
19 of subsection b. of N.J.S.2C:24-4 (Possessing or viewing items
20 depicting the sexual exploitation or abuse of a child); section 8 of
21 P.L.2017, c.141 (C.2C:24-4.1) (Leader of a child pornography
22 network); N.J.S.2C:28-1 (Perjury); N.J.S.2C:28-2 (False Swearing);
23 paragraph (4) of subsection b. of N.J.S.2C:34-1 (Knowingly
24 promoting the prostitution of the actor's child); section 2 of
25 P.L.2002, c.26 (C.2C:38-2) (Terrorism); subsection a. of section 3
26 of P.L.2002, c.26 (C.2C:38-3) (Producing or Possessing Chemical
27 Weapons, Biological Agents or Nuclear or Radiological Devices);
28 and conspiracies or attempts to commit such crimes.

29
30 3. a. In the event that a student elects to use the “Common
31 Application” developed and administered by the not-for-profit
32 membership organization, The Common Application, Inc., when
33 applying for admission to an institution of higher education,
34 excluding law school, or a degree-granting proprietary institution,
35 the institution may accept the application in lieu of the standard
36 application developed by the Universal College Application
37 Development Task Force established pursuant to section 4 of
38 P.L. , c. (pending before the Legislature as this bill) provided
39 that the common application does not have any question related to,
40 or otherwise contain a request for information about, the criminal
41 history, including the juvenile criminal history, of a prospective
42 student except as provided in subsection c. of section 2 of
43 P.L. , c. (pending before the Legislature as this bill).

44 b. In the event that an institution of higher education or degree-
45 granting proprietary institution denies an applicant admission based
46 on the conviction of any offense pursuant to subsection c. of section
47 2 of P.L. , c. (C.) (pending before the Legislature as this
48 bill), the institution shall notify the applicant, who may appeal the

1 decision to the entity that considers the institution's disciplinary
2 matters. An appeal shall only be based on the provisions of
3 subparagraphs (b), (c), and (d) of paragraph (2) of subsection c. of
4 this section.

5 c. (1) In the event that an institution accepts an applicant for
6 admission, the institution is authorized to make inquiries relative to
7 the criminal conviction history of the applicant, not limited to the
8 offenses enumerated in subsection c. of section 2 of
9 P.L. , c. (C.) (pending before the Legislature as this bill),
10 for the purposes of:

11 (a) offering supportive counseling services; and

12 (b) making decisions relative to a student's participation in
13 campus life and determining if the institution will limit such
14 participation.

15 (2) An institution may make criminal conviction history
16 inquiries when obtaining secondary information, including but not
17 limited to, information pertaining to immunizations, financial aid,
18 or housing. If an institution elects to make such inquiries, the
19 institution shall consider all of the following:

20 (a) the nature and gravity of the criminal conduct and whether it
21 bears a direct relationship to a particular aspect of a student's
22 participation in campus life, including but not limited to, campus
23 residency and campus activities;

24 (b) the time that has passed since the occurrence of the criminal
25 conduct;

26 (c) the age of the student at the time of the conduct underlying
27 the criminal conviction; and

28 (d) any evidence of rehabilitation or good conduct produced by
29 the student.

30 (3) After a student has been accepted for admission, an
31 institution offering an educator preparation program may consider
32 criminal conviction history if information pertaining to such history
33 is provided on any professional conduct form developed by the
34 State Board of Education for use in the teacher certification process.
35 The purpose of such consideration shall be limited to the offering of
36 counseling as provided in subparagraph (a) of paragraph (1) of this
37 subsection.

38 d. (1) An institution shall not deny based solely on criminal
39 conviction history admission to or continuation in an academic
40 program designed to prepare a student for a career that requires an
41 occupational license or a teaching certificate. The institution shall
42 offer counseling relative to the licensing or certification
43 requirement in order to assist a student in making an informed
44 decision about pursuing such program.

45 (2) An institution may consider criminal conviction history if
46 information pertaining to such history is provided on an application
47 that is designed by a national application service, tailored for

1 admission to a specific degree program, and used by institutions of
2 higher education in multiple states.

3

4 4. a. There is established a Universal College Application
5 Development Task Force. It shall be the duty of the task force to
6 develop a standard, universal application for admission to be used
7 by each institution of higher education, not including law schools,
8 and each degree-granting proprietary institution in the State. The
9 standard application developed by the task force shall, at a
10 minimum, conform to the standards established pursuant to section
11 2 of P.L. , c. (C.) (pending before the Legislature as this
12 bill).

13 b. The task force shall consist of 24 members, including:

14 (1) the Secretary of Higher Education, the President of the New
15 Jersey Presidents' Council, and the Commissioner of Education, or
16 their designees, who shall serve ex officio;

17 (2) one member appointed by the President of the Senate and
18 one member appointed by the Minority Leader of the Senate, both
19 of whom shall be members of the public with demonstrated
20 knowledge and expertise in issues relating to the work of the task
21 force;

22 (3) one member appointed by the Speaker of the General
23 Assembly and one member appointed by the Minority Leader of the
24 General Assembly, both of whom shall be members of the public
25 with demonstrated knowledge and expertise in issues relating to the
26 work of the task force; and

27 (4) 17 members appointed by the Governor, including one
28 representative from each of the following: the Higher Education
29 Student Assistance Authority; the New Jersey Council of County
30 Colleges; the New Jersey Association of State Colleges and
31 Universities; the Association of Independent Colleges and
32 Universities in New Jersey; the American Federation of Teachers;
33 the New Jersey Association of School Administrators; the New
34 Jersey Education Association; the New Jersey School Boards
35 Association; the New Jersey School Counselor Association; the
36 New Jersey Parent Teacher Association; the New Jersey Public
37 Charter Schools Association; the New Jersey Principals and
38 Supervisors Association; and one representative from each public
39 research university.

40

41 5. All appointments shall be made within 30 days of the
42 effective date of this act. Vacancies in the membership of the task
43 force shall be filled in the same manner as the original
44 appointments were made. Members of the task force shall serve
45 without compensation, but shall be entitled to actual and necessary
46 expenses incurred in the performance of their duties within the
47 limits of funds made available to the task force for its purposes.

1 Association of Independent Colleges and Universities in New
2 Jersey; the American Federation of Teachers; the New Jersey
3 Association of School Administrators; the New Jersey Education
4 Authority; the New Jersey School Boards Association; the New
5 Jersey Counselor Association; the New Jersey Parent Teacher
6 Association; the New Jersey Public Charter Schools Association;
7 the New Jersey Principal and Supervisors Association; and one
8 representative from each public research university.

9 Under the bill, it will be the duty of the task force to develop a
10 standard, universal application for admission to be used by each
11 institution of higher education and degree-granting proprietary
12 institution. The application will enable an applicant to apply to any
13 public or independent institution of higher education and any
14 degree-granting proprietary institution in the State.

15 Except for the same egregious criminal offenses previously
16 specified, this bill prohibits the application developed by the task
17 force from having any questions related to, or any requests for
18 information about, the criminal history, including the juvenile
19 criminal history, of a prospective student.

20 The bill provides that, in the event that a student elects to use the
21 “Common Application” developed and administered by the not-for-
22 profit membership organization, The Common Application, Inc., an
23 institution may accept the application in lieu of the standard
24 application developed by the task force provided that the common
25 application does not have any question related to, or information
26 requested about, the criminal history, including the juvenile
27 criminal history, of a prospective student except as previously
28 specified. Law schools are exempt from this requirement.

29 If an institution denies an applicant admission based on the
30 conviction of any of the egregious offenses previously specified, the
31 institution is required to notify the applicant, who may appeal the
32 decision to the entity that considers the institution’s disciplinary
33 matters.

34 Under the bill, in the event that an institution accepts an
35 applicant for admission, the institution is authorized to make
36 inquiries relative to the criminal conviction history of the applicant
37 for the purposes of offering supportive counseling services, and
38 making decisions relative to a student's participation in campus life
39 and determining if the institution will limit such participation.

40 The bill provides that the institution may make such inquiries
41 when obtaining secondary information, such as information
42 pertaining to immunizations, financial aid, or housing. If an
43 institution elects to make such inquiries, the institution is required
44 to consider all of the following:

- 45 • the nature and gravity of the criminal conduct and whether it
46 bears a direct relationship to a particular aspect of a student's
47 participation in campus life, including but not limited to,
48 campus residency and campus activities;

- 1 • the time that has passed since the occurrence of the criminal
 - 2 conduct;
 - 3 • the age of the student at the time of the conduct underlying
 - 4 the criminal conviction; and
 - 5 • any evidence of rehabilitation or good conduct produced by
 - 6 the student.
- 7 According to the American Bar Association's standards and rules
- 8 of procedure, a law school is only permitted to admit applicants
- 9 who appear capable of satisfactorily completing its program of legal
- 10 education and being admitted to the bar. Certain criminal
- 11 convictions disqualify applicants from admittance to the bar.