By: Jones of Dallas H.B. No. 4019

A BILL TO BE ENTITLED

AN ACT

relating to inquiries into the criminal and disciplinary history of an applicant for undergraduate admission to a public institution of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.762, Education Code, is amended by amending Subsections (c) and (h) and adding Subsection (c-1) to read as follows:

(c) Subject to Subsection (c-1) and in [~~In~~] addition to information required to determine the residency status of the applicant and information relating to the use of the form at each institution, the board shall include on each application form adopted under this section information that the board considers appropriate.

(c-1) The board may not include on an application form adopted under this section information regarding an applicant's criminal history or disciplinary history at a primary or secondary school or postsecondary educational institution, other than information regarding the applicant's:

(1) conviction of an offense:

(A) under Section 42.072 (Stalking), Penal Code;

(B) for which the applicant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(C) for which an affirmative finding of family violence was made under Article 42.013, Code of Criminal Procedure;

(2) conviction occurring not more than 10 years before the date on which the application is submitted of an offense not described by Subdivision (1) under:

(A) Section 19.02 (Murder), 19.03 (Capital Murder), or 19.04 (Manslaughter), Penal Code;

(B) Section 20.03 (Kidnapping) or 20.04 (Aggravated Kidnapping), Penal Code; or

(C) Section 22.01 (Assault) or 22.02 (Aggravated Assault), Penal Code;

(3) pending criminal charges; or

(4) disciplinary history at a primary or secondary school or postsecondary educational institution for stalking, sexual assault, sexual harassment, or dating violence, as those terms are defined by Section 51.281.

(h) An applicant may file, and each institution of higher education shall accept, an application for admission as an entering freshman or undergraduate transfer student that uses the appropriate form adopted under this section. The form used to apply to a general academic teaching institution may be filed in either electronic or printed format. An institution of higher education may require [~~is not prohibited from requiring~~] an applicant to submit additional information, other than information prohibited from being included on an application form under Subsection (c-1), within a reasonable time after the institution has received an application using a form adopted under this section.

SECTION 2. Section 51.763(c), Education Code, is amended to read as follows:

(c) A general academic teaching institution may require [~~is not prohibited from requiring~~] an applicant to submit additional information, other than information prohibited from being included on an application form under Section 51.762(c-1), within a reasonable time after the institution has received an application under this section.

SECTION 3. Sections 51.762 and 51.763, Education Code, as amended by this Act, apply beginning with applications for undergraduate admission to a public institution of higher education or a general academic teaching institution for the 2024 spring semester.

SECTION 4. This Act takes effect September 1, 2023.