

SUBJECT: Allowing colleges to use criminal records when making housing decisions

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 7 ayes — Branch, Patrick, Clardy, Darby, Howard, Martinez, Raney

 2 nays — Alonzo, Murphy

SENATE VOTE: On final passage, March 27 — 30-0

WITNESSES: *(On House companion bill, HB 895)*

For — Dennis Crowsom, Harold Nolte and Annn Weir, Blinn College;
Edward Williams, Kilgore College

Against — None

On — *(Registered, but did not testify: Pete McGraw, Hogg Foundation for
Mental Health)*

DIGEST: SB 146 would allow institutions of higher education to obtain from the
Department of Public Safety criminal history record information on
students and prospective students who applied for on-campus housing.
The information would only be used for the purpose of evaluating the
housing applications of current or prospective students and only used by
the institution's chief of police or housing office.

Criminal history record information received by the institution could not
be released or disclosed to anyone except by court order or with the
consent of the person who was the subject of the criminal history record
information. The criminal history information would be destroyed as soon
as practicable.

This bill would take immediate effect if finally passed by a two-thirds
record vote of the membership of each house. Otherwise, it would take
effect September 1, 2013, and would apply to a person who applied to
reside in campus housing for an academic period beginning on or after that
date.

**SUPPORTERS
SAY:**

SB 146 would give Texas public universities the ability to screen applicants for on-campus housing based on their criminal histories.

There are too many instances where students have hidden serious crimes, such as burglary or even sexual offenses, from college housing offices and then ended up posing threats to other students. Criminal actions on campus can spoil the college experience and learning environment for others. The information would not be used for admissions purposes; it simply would allow institutions to consider it before granting housing on-campus.

The bill would not direct housing officials to exclude any particular student or class of student. Instead, by giving universities access to criminal background data, the bill would grant housing offices a fuller picture of applicants. This would allow them to better weigh each individual application.

**OPPONENTS
SAY:**

The bill is overbroad. It would allow universities and colleges to exclude people who were arrested for or accused of crimes from living in campus housing. Exclusion from on-campus housing, which is traditionally subsidized, can be extremely costly to students and potential students. Exclusion should be reserved only for those people actually convicted of criminal activity.

The mentally ill could be excluded unfairly from campus housing because they often are exposed to law enforcement and may have criminal records, even though most have never posed a threat to others.