



## Legislation Details (With Text)

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**Name:** Vivian's Law (S.6437/A.8574)  
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**Title:** Resolution calling upon the State Legislature to pass and the Governor to sign into law S.6437/A.8574, also known as "Vivian's Law," which would make asking applicants about their criminal history on college admission forms illegal.

**Sponsors:** Jumaane D. Williams, Margaret S. Chin, Andy L. King, Helen K. Rosenthal, Rosie Mendez

**Indexes:**

**Attachments:**

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Res. No. 122

Resolution calling upon the State Legislature to pass and the Governor to sign into law S.6437/A.8574, also known as "Vivian's Law," which would make asking applicants about their criminal history on college admission forms illegal.

By Council Members Williams, Chin, King, Rosenthal and Mendez

Whereas, Higher education is the gateway to upward mobility, improves employment outcomes, and provides tools that help people live healthier, more productive lives; and

Whereas, A college education is particularly important to those who are formerly involved in the criminal justice system; and

Whereas, The National Center for Education Statistics (NCES) reported that 78 percent of the prison population lacks postsecondary education, compared to 49 percent of the general population; and

Whereas, According to the Institute for Higher Education Policy, offering higher education to those currently and formerly incarcerated may be especially valuable in a society where postsecondary credentials are

increasingly necessary to gain access to living-wage jobs; and

Whereas, Several studies have shown that higher education helps to reduce recidivism; and

Whereas, The Education from the Inside Out Coalition (The Coalition), for example, reported that while nationwide 43.3 percent of formerly incarcerated individuals are likely to return to prison within three years of release, the likelihood drops to 5.6 percent for Bachelor's degree recipients and less than one percent for Master's degree recipients; and

Whereas, The Coalition also indicated that access to higher education for the formerly incarcerated reduces the related costs of crime and imprisonment, and increases opportunities for employment after release; and

Whereas, In New York State, the recidivism rate within three years of release is approximately 40 percent, according to *The New York Times*, and as statistics show, higher education is a highly effective approach to reducing the number of individuals returning to prison; and

Whereas, Unfortunately, some formerly incarcerated individuals are being denied access to higher education due to their criminal background; and

Whereas, Due to the well-documented existence of racial and ethnic disparities in the criminal justice system in the United States, screening applicants for past criminal justice involvement can have a significant negative impact on applicants from communities of color, particularly blacks and Latinos; and

Whereas, A number of colleges and universities across the country, including the State University of New York (SUNY), are denying college admission to applicants who have a criminal history record, despite the fact that there is no empirical evidence to indicate that having a criminal record poses a risk to campus safety; and

Whereas, Since 1998, SUNY has maintained a system-wide policy of screening applicants for past felony convictions and referring to Article 23-A of the New York Correction Law ("Correction Law") to determine whether or not such applicants should be admitted; and

Whereas, All SUNY campuses require applicants to check a box on the application indicating whether or not they have been convicted of a felony offense, which may deter applicants with such offenses from completing their applications; and

Whereas, Unlike SUNY, The City University of New York (CUNY) does not require self-disclosure of a criminal history record on the admissions application; and

Whereas, S.6437 by State Senator Montgomery, and A.8574 by Assembly Member Peoples-Stokes, also known as “Vivian’s Law,” is named for Vivian Nixon who experienced the devastating impact of criminal history screening in college admissions; and

Whereas, Vivian’s Law would amend the Correction Law by adding new provisions that explicitly prohibit colleges from asking about or considering applicants’ past arrests and/or convictions during the application and admission decision-making process; and

Whereas, Furthermore, a new provision would be added to the Executive Law to make it an unlawful discriminatory practice for colleges to ask about or consider prior criminal justice involvement during the application and admission decision-making process; and

Whereas, The passage of this bill would remove barriers to higher education to those with a criminal past and enable them to become fully integrated into society, as well as to become gainfully employed taxpayers who contribute the State and local economy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass and the Governor to sign into law S.6437/A.8574, also known as “Vivian’s Law,” which would make asking applicants about their criminal history on college admission forms illegal.

LS #663  
3/6/14  
4:30 p.m.  
TC