

# SENATE BILL No. 542

September 27, 1989, Introduced by Senators Welborn and CROPSEY and referred to the Committee on Criminal Justice and Urban Affairs.

A bill to amend Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, by adding section 123.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 280 of the Public Acts of 1939, as  
2 amended, being sections 400.1 to 400.121 of the Michigan Compiled  
3 Laws, is amended by adding section 123 to read as follows:

4       SEC. 123. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OR (3),  
5 AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY, OR WHO IS  
6 SUBJECT TO ANY PENDING FELONY CHARGES, SHALL NOT BE EMPLOYED OR  
7 APPOINTED TO SERVE IN A POSITION IN THE STATE DEPARTMENT, DEALING  
8 DIRECTLY WITH CHILDREN AND YOUTH SERVICES, INCLUDING, BUT NOT

1 LIMITED TO, ABUSE, NEGLECT, DETENTION, FOSTER CARE, ADOPTION, AND  
2 PROBATION.

3 (2) THE DIRECTOR MAY WAIVE THE PROHIBITION IN SUBSECTION (1)  
4 AS TO AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY, AND WHO  
5 MEETS BOTH OF THE FOLLOWING CONDITIONS:

6 (A) THE DATE OF FINAL RELEASE FROM INCARCERATION, THE DATE  
7 OF FINAL RELEASE FROM PROBATION, OR THE DATE OF FINAL RELEASE  
8 FROM PAROLE, WHICHEVER IS LATER, OCCURRED NOT LESS THAN 5 YEARS  
9 BEFORE THE DATE ON WHICH THE INDIVIDUAL APPLIES FOR THE APPOINT-  
10 MENT OR EMPLOYMENT, AND THE PERSON IS NOT SUBJECT TO ANY PENDING  
11 FELONY CHARGES.

12 (B) THE DIRECTOR CONDUCTS AN EXTENSIVE AND COMPLETE INVESTI-  
13 GATION OF THE INDIVIDUAL'S BACKGROUND, AND DETERMINES THAT, NOT-  
14 WITHSTANDING THE INDIVIDUAL'S FELONY CONVICTION, THE EMPLOYMENT  
15 OR APPOINTMENT OF THE INDIVIDUAL IS APPROPRIATE. A WRITTEN  
16 REPORT, SIGNED BY THE DIRECTOR, SHALL BE MADE OF EVERY INVESTIGA-  
17 TION UNDER THIS SUBDIVISION THAT RESULTS IN A DETERMINATION THAT  
18 AN INDIVIDUAL'S EMPLOYMENT OR APPOINTMENT IS APPROPRIATE.

19 (3) THIS SECTION DOES NOT APPLY TO A PERSON EMPLOYED BY OR  
20 APPOINTED TO A POSITION IN THE STATE DEPARTMENT PRIOR TO THE  
21 EFFECTIVE DATE OF THIS SECTION.