

HOUSE BILL NO. 5649

March 12, 2020, Introduced by Reps. Love, Whiteford, Clemente, Hope, Anthony, Pohutsky, Glenn, Shannon, Lasinski, Hammoud, Kahle, Afendoulis, Whitsett, Crawford, Cambensy, Calley and Jones and referred to the Committee on Judiciary.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending section 5r (MCL 722.115r), as added by 2017 PA 256.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5r. (1) An individual required to undergo a criminal
- 2 history check as described in section 5n is ineligible for that



1 application only, to receive a license, be an adult member of the
2 household, or be a child care staff member if the individual does
3 either of the following:

4 (a) Refuses to consent to the criminal history check or
5 central registry check as required under section 5q.

6 (b) Knowingly makes a materially false statement or knowingly
7 omits information in connection with a criminal history check or
8 central registry check as required under section 5q.

9 (2) An individual required to undergo a database check as
10 required under section 5n(1) (a) who has a confirmed history of
11 disciplinary action or violations as outlined in section 11(5) and
12 (6) may be considered ineligible to receive a license, be an adult
13 member of the household, or be a child care staff member.

14 (3) An individual required to undergo a criminal history check
15 as described in section 5n is ineligible to receive a license, be
16 an adult member of the household, or be a child care staff member
17 if the individual satisfies 1 or more of the following:

18 (a) Is registered, or is required to be registered, on a state
19 sex offender registry or repository or the national sex offender
20 registry.

21 (b) Has been convicted of a felony consisting of 1 or more of
22 the following or any other state or federal equivalent:

23 (i) Murder or homicide.

24 (ii) Child abuse or child neglect.

25 (iii) A crime against a minor child, including, but not limited
26 to, child pornography.

27 (iv) Spousal abuse or domestic violence.

28 (v) A crime involving rape or sexual assault.

29 (vi) Kidnapping.



1 (vii) Arson.

2 (viii) Physical assault or battery.

3 (ix) Human trafficking or involuntary servitude.

4 (c) Has been convicted of a violent misdemeanor against a
5 child, including, but not limited to, 1 or more of the following
6 crimes:

7 (i) Child abuse.

8 (ii) Child endangerment.

9 (iii) Sexual assault.

10 (d) Has been convicted of a misdemeanor involving child
11 pornography.

12 (4) An individual required to undergo a criminal history check
13 as described in section 5n is ineligible to receive a license, be
14 an adult member of the household, or be a child care staff member
15 if the individual has been convicted of 1 or more of the following
16 felonies, an attempt or conspiracy to commit 1 or more of the
17 following felonies, or any other state or federal equivalent,
18 unless 10 years have lapsed since the conviction, before the date
19 of application or before the date a group child care home or family
20 child care home allows an individual to be an adult member of the
21 household, or a child care center, group child care home, or family
22 child care home allows an individual to be a child care staff
23 member:

24 (a) A felony involving harm or threatened harm to an
25 individual.

26 (b) A felony involving the use of a firearm or dangerous
27 weapon.

28 (c) A felony involving cruelty or torture of any person.

29 (d) A felony involving a substantial misrepresentation of any



1 material fact, bribery, fraud, larceny, embezzlement, theft, home
2 invasion, breaking and entering, receiving and concealing stolen
3 property or a crime of similar statute.

4 (e) A felony involving operating a motor vehicle while
5 intoxicated or impaired causing serious injury or death.

6 (f) A felony involving the use of a computer or the internet
7 to commit a crime.

8 (g) A felony involving cruelty to animals, including, but not
9 limited to, fighting, killing, torturing, and abandoning.

10 (h) A felony involving aggravated stalking, aggravated
11 indecent exposure, indecent exposure by a sexually delinquent
12 person, pandering, transporting an individual for ~~prostitution,~~
13 **commercial sexual activity**, and keeping, maintaining, or operating
14 a house of ill fame.

15 (i) A felony as a habitual offender.

16 (5) An individual required to undergo a criminal history check
17 as described in section 5n is ineligible to receive a license, be
18 an adult member of the household, or be a child care staff member
19 if the individual has been convicted of a felony drug offense, an
20 attempt or conspiracy to commit a felony drug offense, or any other
21 state or federal equivalent, unless 7 years have lapsed since the
22 conviction before the date of application or before the date a
23 group child care home or family child care home allows an
24 individual to be an adult member of the household or a child care
25 center, group child care home, or family child care home allows an
26 individual to be a child care staff member.

27 (6) An individual required to undergo a criminal history check
28 as described in section 5n is ineligible to receive a license, be
29 an adult member of the household, or be a child care staff member



1 if the individual has been convicted of 1 or more of the following
2 misdemeanors, an attempt or conspiracy to commit any of those
3 misdemeanors, or any other state or federal equivalent, unless 5
4 years have lapsed since the conviction before the date of
5 application or before the date a group child care home or family
6 child care home allows an individual to be an adult member of the
7 household or a child care center, group child care home, or family
8 child care home allows an individual to be a child care staff
9 member:

10 (a) A misdemeanor involving operating under the presence of a
11 controlled substance, use or possession of a controlled substance,
12 and selling or furnishing a controlled substance to a minor.

13 (b) A misdemeanor involving using computers to commit a crime,
14 a substantial misrepresentation of a material fact, embezzlement,
15 breaking and entering, and any other fraudulent crime except retail
16 fraud in the third degree, petty theft, or shoplifting.

17 (c) A misdemeanor involving stalking, assault, spousal abuse,
18 domestic violence, weapons offense, harboring runaways, aiding and
19 abetting, and arson.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 5655 (request no.
24 05968'20) of the 100th Legislature is enacted into law.

