

Legislative Analysis



YOUTH SPORTS COACHES: REQUIRE DISCLOSURE OF CERTAIN CRIMES

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Senate Bill 130

Sponsor: Sen. Alan Sanborn
House Committee: Judiciary
Senate Committee: Judiciary

House Bill 4957

House Committee: Judiciary
Sponsor: Shelley Goodman Taub

Complete to 6-21-05

A SUMMARY OF SENATE BILL 130 AS PASSED BY THE SENATE 5-10-05 AND HOUSE BILL 4957 AS INTRODUCED 6-16-05

Senate Bill 130 would create a new act to prohibit a person who had been convicted of a "listed offense" from serving as a coach on an independent youth athletic team based in Michigan unless he or she had disclosed the conviction to the organization that sanctioned the team. Failure to disclose the conviction would be a misdemeanor punishable by a fine of not more than \$500.

Definitions. "Listed offense" would mean an alcohol- or controlled substance-related driving violation under the Michigan Vehicle Code or an offense for which sex offender registration is required under the Sex Offenders Registration Act.

"Convicted" would mean that term as defined in the Sex Offenders Registration Act (SORA). Under SORA, "convicted" means having a judgment of conviction or a probation order entered in any court having jurisdiction over criminal offenses, including a conviction subsequently set aside; being assigned to youthful trainee status under the Holmes Youthful Trainee Act (HYTA) before October 1, 2004; being assigned to youthful trainee status under HYTA after that date, if youthful trainee status is revoked and an adjudication of guilt is entered; having an order of disposition entered under the juvenile code that is open to the general public under the code; or having an order of disposition or other adjudication in a juvenile matter in another state or country.

"Independent youth athletic team" would mean a sports team that includes a person under 18 years of age as a team member; is sanctioned by an incorporated organization; and is not sanctioned by or affiliated with a public or private school.

House Bill 4957 would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16t) to specify that the crime of a registered sex offender accepting employment or a volunteer position with a child services organization would be a Class G felony against the public order with a two-year maximum term of imprisonment.

Accepting employment or a volunteer position with a child services organization by concealing the status as a registered sex offender would be a Class F felony against the public order with a maximum term of imprisonment of four years.

House Bill 4957 is tie-barred to Senate Bill 130. (It should be noted, however, that Senate Bill 130 deals with a misdemeanor offense involving youth athletic teams, while House Bill 4957 deals with a felony offense involving child service organizations.)

FISCAL IMPACT:

Because misdemeanor penalties are a local responsibility, SB 130 as passed by the Senate would have no fiscal impact on the state and an indeterminate fiscal impact on local units of government. To the extent that the bill increased collections of penal fines, it would increase revenues from that source going to local libraries, which are the constitutionally-designated recipients of the revenue.

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