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Senate Bill 613 (as reported without amendment)  
Senate Bill 614 (Substitute S-1 as reported by the Committee of the Whole)  
Senate Bill 615 (as reported without amendment)  
Sponsor: Senator Cameron S. Brown (S.B. 613)  
          Senator Bev Hammerstrom (S.B. 614)  
          Senator Bill Hardiman (S.B. 615)  
Committee: Families and Human Services

## **CONTENT**

Senate Bill 614 (S-1) would amend the Social Welfare Act to do the following:

- Require a child care center or day care center, before making an offer of employment, to perform a background check on a person using the Department of State Police's Internet Criminal History Access Tool (ICHAT).
- Prohibit the center from making an offer of employment if the background check revealed that the person had been convicted of a listed offense.
- Require a center, within one year after the bill's effective date, to conduct a criminal history check on all current employees using ICHAT.
- Require a center employee to report to the center within seven days after he or she was charged with a crime listed in Section 1535a of the Revised School Code (which provides for the suspension of teaching certificates for certain crimes).
- Require a center to notify all current employees within 30 days after the bill's effective date, and upon making an offer of employment to a person, of the bill's reporting requirement and the penalty for not reporting.
- Prescribe criminal penalties for a person who did not report as required.

If the crime a person was required to report were a felony, failure to report would be a felony punishable by imprisonment for up to two years or a maximum fine of \$2,000. If the crime were a misdemeanor, failure to report would be a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$1,000.

A center would have to delete from an employee's records all information relating to a charge required to be reported if the employee were acquitted of the charge or the charge were dismissed.

Senate Bill 613 would amend the Code of Criminal Procedure to include a child care or day care center employee's failure to report felony charges to his or her employer in the sentencing guidelines as a Class G felony against public safety punishable by up to two years' imprisonment.

Senate Bill 615 would amend the child care licensing Act to require the Department of Human Services (DHS) to request the Michigan State Police to conduct a criminal history check and criminal records check on an applicant for licensure or licensure renewal, and prohibit the DHS from issuing a license to or renewing the license of a center without requesting the required checks.

Under the bill, when a person, partnership, firm, corporation, association, or nongovernmental organization applied for, or applied to renew, a license for a child care center or day care center, the DHS would have to request the Michigan Department of State Police (MSP) to conduct a criminal history check, as well as a criminal records check through the Federal Bureau of Investigation, on the person or each partner, officer, or manager of the center applying for the license.

Each person applying for a license to operate a center would have to give written consent at the time of the application for the MSP to conduct the criminal history check and criminal records check. The DHS would have to require the person to submit his or her fingerprints to the MSP for the criminal history and records checks.

Senate Bill 613 is tie-barred to Senate Bill 614, and Senate Bill 614 (S-1) is tie-barred to Senate Bill 615.

MCL 777.15g (S.B. 613)  
Proposed MCL 400.5d & 400.5e (S.B. 614)  
MCL 722.115 et al. (S.B. 615)

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

Senate Bills 613 and 614 (S-1) would require each applicant at a child care or day care center to undergo a name criminal history check through the Department of State Police. The cost of a name check would \$10 if a center is a for-profit business, and there would no charge for a center that has nonprofit or governmental status. It should be noted that the Governor has proposed, for FY 2005-06, beginning in October, that nonprofit and governmental agencies be charged \$3 for each criminal history name check. Whether this proposed charge will take effect depends upon the final resolution of the State's FY 2005-06 budget, which has not yet occurred.

There are no data to indicate how many offenders would be convicted of the proposed offenses. Local units would incur the costs of misdemeanor probation and incarceration in a local facility, both of which vary by county. The State would incur the cost of felony probation at an average annual cost of \$2,000 per offender, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000. Public libraries would benefit from any additional penal fine revenue.

The bills would have no fiscal impact on the Department of Human Services.

Senate Bill 615 would require child or day care licensee applicants to submit to the Department of State Police for a fingerprint criminal records check, a service that requires a payment of \$54 to the Department.

The bill would have no fiscal impact on the Department of Human Services.

Date Completed: 6-29-05

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.