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BILL ANALYSIS



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Senate Bill 615 (as introduced 6-16-05)  
Sponsor: Senator Bill Hardiman  
Committee: Families and Human Services

Date Completed: 6-28-05

### **CONTENT**

**The bill 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.

The DHS would have to request a criminal history check and criminal records check on a form and in the manner prescribed by the MSP. Within 30 days after receiving a complete request for a criminal history check on a person, the MSP would have to conduct the check and provide a report of the results to the DHS. The report would have to contain any criminal history record information on the person that the MSP maintained.

The MSP would have to initiate a criminal records check within seven days after receiving a proper request. After receiving the results from the FBI, the MSP would have to provide a report of the results to the DHS. The MSP could charge a fee for a required criminal history check or a criminal records check that did not exceed the actual and reasonable cost of conducting the check.

A child care center or day care center could use criminal history record information or the results of a criminal records check only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she had applied or evaluating whether to retain an employee. A licensee or its officers, agents, or employees could not disclose the report or its contents, except a felony conviction or a misdemeanor conviction involving sexual or physical abuse, to a person not directly involved in evaluating the applicant's qualifications for employment or the issue of the employee's continued employment.

**FISCAL IMPACT**

The bill 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.

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