

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 130

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding sections 411u and 411v.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411U. (1) AN INDIVIDUAL WHO IS REQUIRED TO BE REGISTERED
2 UNDER THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721
3 TO 28.732, SHALL NOT ACCEPT OR MAINTAIN EMPLOYMENT WITH OR SERVE AS
4 A VOLUNTEER WITH ANY OF THE FOLLOWING:

5 (A) A CHILD CARE CENTER.

6 (B) A SCHOOL.

7 (C) A PLAYGROUND.

8 (D) A YOUTH LEAGUE OR YOUTH ORGANIZATION.

9 (2) SUBSECTION (1) DOES NOT APPLY IF THE POSITION OF

1 EMPLOYMENT OR THE VOLUNTEER POSITION DOES NOT TAKE PLACE AT A
2 LOCATION WHERE, OR AT A TIME WHEN, CHILDREN ARE PRESENT.

3 (3) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
4 CRIME AS FOLLOWS:

5 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE INDIVIDUAL IS
6 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2
7 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

8 (B) IF THE INDIVIDUAL GIVES A FALSE NAME OR OTHERWISE
9 MISREPRESENTS HIS OR HER IDENTITY ON AN APPLICATION FOR EMPLOYMENT
10 OR FOR A VOLUNTEER POSITION WITH AN ENTITY LISTED IN SUBSECTION
11 (1) OR FALSELY STATES ON THE APPLICATION THAT HE OR SHE IS NOT
12 REQUIRED TO BE REGISTERED UNDER THE SEX OFFENDERS REGISTRATION ACT,
13 1994 PA 295, MCL 28.721 TO 28.732, THE INDIVIDUAL IS GUILTY OF A
14 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
15 FINE OF NOT MORE THAN \$4,000.00, OR BOTH.

16 (4) AS USED IN THIS SECTION:

17 (A) "CHILD CARE CENTER" MEANS THAT TERM AS DEFINED IN SECTION
18 1 OF 1973 PA 116, MCL 722.111.

19 (B) "CHILDREN" MEANS INDIVIDUALS LESS THAN 18 YEARS OF AGE.

20 (C) "PLAYGROUND" MEANS AN ENTITY THAT HAS PLAYGROUND EQUIPMENT
21 FOR PUBLIC USE BY CHILDREN.

22 (D) "PLAYGROUND EQUIPMENT" MEANS A DEVICE OR STRUCTURE THAT IS
23 DESIGNED FOR THE RECREATIONAL USE OF CHILDREN. PLAYGROUND EQUIPMENT
24 INCLUDES, BUT IS NOT LIMITED TO, A SLIDE, SWING, JUNGLE GYM, MONKEY
25 BARS, TEETER-TOTTER, OR MERRY-GO-ROUND.

26 (E) "SCHOOL" MEANS A PUBLIC OR PRIVATE INSTITUTION IMPARTING
27 INSTRUCTION TO CHILDREN IN ANY GRADE K THROUGH 12. SCHOOL DOES NOT

1 INCLUDE A HOME SCHOOL ATTENDED SOLELY BY CHILDREN OF THE INDIVIDUAL
2 REQUIRED TO BE REGISTERED UNDER THE SEX OFFENDERS REGISTRATION ACT,
3 1994 PA 295, MCL 28.721 TO 28.732.

4 (F) "VOLUNTEER" MEANS AN INDIVIDUAL WHO WORKS WITHOUT
5 REMUNERATION FOR AN ENTITY DESCRIBED IN SUBSECTION (1) IF ANY OF
6 THE FOLLOWING APPLY:

7 (i) THE INDIVIDUAL WORKS OR IS TO WORK FOR THAT ENTITY 20 OR
8 MORE HOURS WITHIN A CALENDAR YEAR.

9 (ii) THE INDIVIDUAL HAS OR IS TO HAVE UNSUPERVISED CONTACT WITH
10 CHILDREN.

11 (iii) THE INDIVIDUAL SERVES OR IS TO SERVE AS A CHAPERONE FOR
12 CHILDREN ON ANY OVERNIGHT ACTIVITY.

13 (G) "YOUTH LEAGUE OR YOUTH ORGANIZATION" MEANS A PUBLIC OR
14 PRIVATE ENTITY THAT PROVIDES RECREATIONAL, RELIGIOUS, OR
15 EDUCATIONAL SERVICES TO CHILDREN.

16 SEC. 411V. (1) A YOUTH LEAGUE OR YOUTH ORGANIZATION SHALL NOT
17 KNOWINGLY DO EITHER OF THE FOLLOWING:

18 (A) EMPLOY AN INDIVIDUAL WHO IS REGISTERED UNDER THE SEX
19 OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732, IF
20 THE POSITION OF EMPLOYMENT TAKES PLACE AT A LOCATION WHERE, AND AT
21 A TIME WHEN, CHILDREN ARE PRESENT.

22 (B) ALLOW AN INDIVIDUAL WHO IS REGISTERED UNDER THE SEX
23 OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732, TO
24 WORK AS A VOLUNTEER FOR THAT YOUTH LEAGUE OR YOUTH ORGANIZATION IF
25 THE VOLUNTEER POSITION TAKES PLACE AT A LOCATION WHERE, AND AT A
26 TIME WHEN, CHILDREN ARE PRESENT.

27 (2) BEFORE A YOUTH LEAGUE OR YOUTH ORGANIZATION HIRES OR

1 ACCEPTS AN INDIVIDUAL AS A VOLUNTEER FOR ANY POSITION IN WHICH THE
2 INDIVIDUAL WILL BE PRESENT AT A LOCATION WHERE AND A TIME WHEN
3 CHILDREN ARE PRESENT, AND ANNUALLY THEREAFTER, THE YOUTH LEAGUE OR
4 YOUTH ORGANIZATION SHALL CHECK THE SEX OFFENDER REGISTRY OF THIS
5 STATE TO DETERMINE WHETHER THE INDIVIDUAL IS REGISTERED AS A SEX
6 OFFENDER.

7 (3) IF A YOUTH LEAGUE OR YOUTH ORGANIZATION VIOLATES
8 SUBSECTION (1) OR (2), THE YOUTH LEAGUE OR YOUTH ORGANIZATION IS
9 GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN
10 \$500.00.

11 (4) AS USED IN THIS SECTION:

12 (A) "CHILDREN" MEANS INDIVIDUALS LESS THAN 18 YEARS OF AGE.

13 (B) "VOLUNTEER" MEANS AN INDIVIDUAL WHO WORKS WITHOUT
14 REMUNERATION FOR AN ENTITY DESCRIBED IN SUBSECTION (1) IF EITHER OF
15 THE FOLLOWING APPLIES:

16 (i) THE INDIVIDUAL WORKS OR IS TO WORK FOR THAT ENTITY 20 OR
17 MORE HOURS WITHIN A CALENDAR YEAR.

18 (ii) THE INDIVIDUAL HAS OR IS TO HAVE UNSUPERVISED CONTACT WITH
19 CHILDREN.

20 (C) "YOUTH LEAGUE OR YOUTH ORGANIZATION" MEANS A PUBLIC OR
21 PRIVATE ENTITY THAT PROVIDES RECREATIONAL, RELIGIOUS, OR
22 EDUCATIONAL SERVICES TO CHILDREN.

23 Enacting section 1. This amendatory act takes effect October
24 15, 2005.