

SUBSTITUTE FOR
SENATE BILL NO. 614

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,"

(MCL 722.111 to 722.128) by adding sections 5d and 5e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5D. (1) BEFORE A CHILD CARE CENTER OR DAY CARE CENTER
2 MAKES AN OFFER OF EMPLOYMENT TO A PERSON OR ALLOWS A PERSON TO
3 REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT AT THE CHILD CARE
4 CENTER OR DAY CARE CENTER, THE CHILD CARE CENTER OR DAY CARE CENTER
5 SHALL PERFORM A BACKGROUND CHECK ON THAT PERSON USING THE
6 DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL
7 (ICCHAT).
8 (2) IF A SEARCH OF ICHAT REVEALS THAT THE PERSON DESCRIBED IN

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1 SUBSECTION (1) HAS BEEN CONVICTED OF A LISTED OFFENSE, THE CHILD
2 CARE CENTER OR DAY CARE CENTER SHALL NOT MAKE AN OFFER OF
3 EMPLOYMENT TO THAT PERSON OR ALLOW THAT PERSON TO REGULARLY AND
4 CONTINUOUSLY WORK UNDER CONTRACT AT THE CHILD CARE CENTER OR DAY
5 CARE CENTER.

<<(3) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
AMENDATORY ACT THAT ADDED THIS SECTION, THE CHILD CARE CENTER OR DAY CARE
CENTER SHALL CONDUCT A CRIMINAL HISTORY CHECK ON ALL CURRENT EMPLOYEES
USING THE DEPARTMENT OF STATE POLICE'S ICHAT.>>

6 SEC. 5E. (1) AN EMPLOYEE OF A CHILD CARE CENTER OR DAY CARE
7 CENTER SHALL REPORT TO THAT CHILD CARE CENTER OR DAY CARE CENTER
8 WITHIN 7 DAYS AFTER HE OR SHE HAS BEEN CHARGED WITH A CRIME LISTED
9 IN SECTION 1535A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL
10 380.1535A.

11 (2) IF A PERSON DESCRIBED IN SUBSECTION (1) DOES NOT REPORT TO
12 THE CHILD CARE CENTER OR DAY CARE CENTER AS REQUIRED IN THIS
13 SECTION, THAT PERSON IS GUILTY OF EITHER OF THE FOLLOWING:

14 (A) IF THE CRIME WITH WHICH THE PERSON IS CHARGED BUT DID NOT
15 REPORT IS A FELONY, THAT PERSON IS GUILTY OF A FELONY PUNISHABLE BY
16 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE <<OF>> NOT
17 MORE THAN \$2,000.00.

18 (B) IF THE CRIME WITH WHICH THE PERSON IS CHARGED BUT DID NOT
19 REPORT IS A MISDEMEANOR, THAT PERSON IS GUILTY OF A MISDEMEANOR
20 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
21 NOT MORE THAN \$1,000.00.

<<(3) A CHILD CARE CENTER OR DAY CARE CENTER SHALL DELETE FROM THE
EMPLOYEE'S RECORDS ALL INFORMATION RELATING TO A CHARGE REQUIRED TO BE
REPORTED UNDER SUBSECTION (1) IF IT RECEIVES DOCUMENTATION OF EITHER OF
THE FOLLOWING:

(A) THE PERSON HAS BEEN ACQUITTED OF A CHARGE HE OR SHE WAS
REQUIRED TO REPORT UNDER SUBSECTION (1).

(B) A CHARGE REPORTED UNDER SUBSECTION (1) HAS BEEN DISMISSED
AGAINST THE PERSON UNDER SUBSECTION (1) TO REPORT THAT CHARGE.>>

<<(4) NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
AMENDATORY ACT THAT ADDED THIS SECTION. A CHILD CARE CENTER OR DAY CARE
CENTER SHALL INFORM ALL CURRENT EMPLOYEES AND ALL PERSONS WHO WORK
REGULARLY AND CONTINUOUSLY UNDER CONTRACT AT THE CHILD CARE CENTER OR DAY
CARE CENTER OF THE REQUIREMENT TO REPORT CERTAIN CHARGES AS REQUIRED IN

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THIS SECTION AND THE PENALTY FOR NOT REPORTING THOSE CHARGES.

(5) AT THE TIME A CHILD CARE CENTER OR DAY CARE CENTER MAKES AN OFFER OF EMPLOYMENT TO A PERSON OR ALLOWS A PERSON TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT AT THE CHILD CARE CENTER OR DAY CARE CENTER, THE CHILD CARE CENTER OR DAY CARE CENTER SHALL NOTIFY THAT PERSON OF THE REQUIREMENT TO REPORT CERTAIN CHARGES AS REQUIRED IN THIS SECTION AND THE PENALTY FOR NOT REPORTING THOSE CHARGES.>>

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. 615 of the 93rd Legislature is enacted into
24 law.