

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 271

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,"

by amending section 5 (MCL 722.115), as amended by 2006 PA 580 and by adding sections 5h, 5i, 5j, and 5k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A person, partnership, firm, corporation,
2 association, or nongovernmental organization shall not establish or
3 maintain a child care organization unless licensed or registered by
4 the department. Application for a license or certificate of
5 registration shall be made on forms provided, and in the manner
6 prescribed, by the department. Before issuing or renewing a

1 license, the department shall investigate the applicant's
2 activities and proposed standards of care and shall make an on-site
3 visit of the proposed or established organization. If the
4 department is satisfied as to the need for a child care
5 organization, its financial stability, the applicant's good moral
6 character, and that the services and facilities are conducive to
7 the welfare of the children, the department shall issue or renew
8 the license. If a county juvenile agency as defined in section 2 of
9 the county juvenile agency act, 1998 PA 518, MCL 45.622, certifies
10 to the department that it intends to contract with an applicant for
11 a new license, the department shall issue or deny the license
12 within 60 days after it receives a complete application as provided
13 in section 5b.

14 (2) The department shall issue a certificate of registration
15 to a person who has successfully completed an orientation session
16 offered by the department and who certifies to the department that
17 the family ~~day~~ **CHILD** care home has complied with and will continue
18 to comply with the rules promulgated under this act and will
19 provide services and facilities, as determined by the department,
20 conducive to the welfare of children. The department shall make
21 available to applicants for registration an orientation session ~~to~~
22 ~~applicants for registration~~ regarding this act, the rules
23 promulgated under this act, and the needs of children in family ~~day~~
24 **CHILD** care before issuing a certificate of registration. The
25 department shall issue a certificate of registration to a specific
26 person at a specific location. A certificate of registration is
27 nontransferable and remains the property of the department. Within

1 90 days after initial registration, the department shall make an
2 on-site visit of the family ~~day~~-**CHILD** care home.

3 (3) The department may authorize a licensed child placing
4 agency or an approved governmental unit to investigate a foster
5 family home or a foster family group home according to subsection
6 (1) and to certify that the foster family home or foster family
7 group home meets the licensing requirements prescribed by this act.
8 Before certifying to the department that a foster family home or
9 foster family group home meets the licensing requirements
10 prescribed by this act, the licensed child placing agency or
11 approved governmental unit shall receive and review a medical
12 statement for each member of the household indicating that he or
13 she does not have a known condition that would affect the care of a
14 foster child. The medical statement required under this section
15 shall be signed and dated by a physician licensed under article 15
16 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,
17 a physician's assistant licensed under article 15 of the public
18 health code, 1978 PA 368, MCL 333.16101 to 333.18838, or a
19 certified nurse practitioner licensed as a registered professional
20 nurse under part 172 of the public health code, 1978 PA 368, MCL
21 333.17201 to 333.17242, who has been issued a specialty
22 certification as a nurse practitioner by the board of nursing under
23 section 17210 of the public health code, 1978 PA 368, MCL
24 333.17210, within the 12 months immediately preceding the date of
25 the initial evaluation. This subsection does not require new or
26 additional third party reimbursement or worker's compensation
27 benefits for services rendered. A foster family home or a foster

1 family group home shall be certified for licensing by the
2 department by only 1 child placing agency or approved governmental
3 unit. Other child placing agencies may place children in a foster
4 family home or foster family group home only upon the approval of
5 the certifying agency or governmental unit.

6 (4) The department may authorize a licensed child placing
7 agency or an approved governmental unit to place a child who is 16
8 or 17 years of age in his or her own unlicensed residence, or in
9 the unlicensed residence of an adult who has no supervisory
10 responsibility for the child, if a child placing agency or
11 governmental unit retains supervisory responsibility for the child.

12 (5) A licensed child placing agency, child caring institution,
13 and an approved governmental unit shall provide the state court
14 administrative office and a local foster care review board
15 established under 1984 PA 422, MCL 722.131 to 722.139a, those
16 records requested pertaining to children in foster care placement
17 for more than 6 months.

18 (6) The department may authorize a licensed child placing
19 agency or an approved governmental unit to place a child who is 16
20 or 17 years old in an adult foster care family home or an adult
21 foster care small group home licensed under the adult foster care
22 facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, if a
23 licensed child placing agency or approved governmental unit retains
24 supervisory responsibility for the child and certifies to the
25 department all of the following:

26 (a) The placement is in the best interests of the child.

27 (b) The child's needs can be adequately met by the adult

1 foster care family home or small group home.

2 (c) The child will be compatible with other residents of the
3 adult foster care family home or small group home.

4 (d) The child placing agency or approved governmental unit
5 will periodically reevaluate the placement of a child under this
6 subsection to determine that the criteria for placement in
7 subdivisions (a) through (c) continue to be met.

8 (7) On an exception basis, the director of the department, or
9 his or her designee, may authorize a licensed child placing agency
10 or an approved governmental unit to place an adult in a foster
11 family home if a licensed child placing agency or approved
12 governmental unit certifies to the department all of the following:

13 (a) The adult is a person with a developmental disability as
14 defined by section 100a of the mental health code, 1974 PA 258, MCL
15 330.1100a, or a person who is otherwise neurologically disabled and
16 is also physically limited to a degree that requires complete
17 physical assistance with mobility and activities of daily living.

18 (b) The placement is in the best interests of the adult and
19 will not adversely affect the interests of the foster child or
20 children residing in the foster family home.

21 (c) The identified needs of the adult can be met by the foster
22 family home.

23 (d) The adult will be compatible with other residents of the
24 foster family home.

25 (e) The child placing agency or approved governmental unit
26 will periodically reevaluate the placement of an adult under this
27 subsection to determine that the criteria for placement in

1 subdivisions (a) through (d) continue to be met and document that
2 the adult is receiving care consistent with the administrative
3 rules for a child placing agency.

4 (8) On an exception basis, the director of the department, or
5 his or her designee, may authorize a licensed child placing agency
6 or an approved governmental unit to place a child in an adult
7 foster care family home or an adult foster care small group home
8 licensed under the adult foster care **FACILITY** licensing act, 1979
9 PA 218, MCL 400.701 to 400.737, if the licensed child placing
10 agency or approved governmental unit certifies to the department
11 all of the following:

12 (a) The placement is in the best interests of the child.

13 (b) The placement has the concurrence of the parent or
14 guardian of the child.

15 (c) The identified needs of the child can be met adequately by
16 the adult foster care family home or small group home.

17 (d) The child's psychosocial and clinical needs are compatible
18 with those of other residents of the adult foster care family home
19 or small group home.

20 (e) The clinical treatment of the child's condition is similar
21 to that of the other residents of the adult foster care family home
22 or small group home.

23 (f) The child's cognitive level is consistent with the
24 cognitive level of the other residents of the adult foster care
25 family home or small group home.

26 (g) The child is neurologically disabled and is also
27 physically limited to such a degree as to require complete physical

1 assistance with mobility and activities of daily living.

2 (h) The child placing agency or approved governmental unit
3 will periodically reevaluate the placement of a child under this
4 subsection to determine that the criteria for placement in
5 subdivisions (a) to (g) continue to be met.

6 (9) ~~Beginning October 1, 2007, except~~ **EXCEPT** as provided in
7 subsection (1) and section 5b, the department shall issue an
8 initial or renewal license or registration under this act for child
9 care centers, group ~~day~~ **CHILD** care homes, and family ~~day~~ **CHILD** care
10 homes not later than 6 months after the applicant files a completed
11 application. Receipt of the application is considered the date the
12 application is received by any agency or department of this state.
13 If the application is considered incomplete by the department, the
14 department shall notify the applicant in writing or make notice
15 electronically available within 30 days after receipt of the
16 incomplete application, describing the deficiency and requesting
17 additional information. This subsection does not affect the time
18 period within which an on-site visit to a family ~~day~~ **CHILD** care
19 home shall be made. If the department identifies a deficiency or
20 requires the fulfillment of a corrective action plan, the 6-month
21 period is tolled until either of the following occurs:

22 (a) Upon notification by the department of a deficiency, until
23 the date the requested information is received by the department.

24 (b) Upon notification by the department that a corrective
25 action plan is required, until the date the department determines
26 the requirements of the corrective action plan have been met.

27 (10) The determination of the completeness of an application

1 is not an approval of the application for the license and does not
2 confer eligibility on an applicant determined otherwise ineligible
3 for issuance of a license.

4 (11) Except as provided in subsection (1) and section 5b, if
5 the department fails to issue or deny a license or registration to
6 a child care center, group ~~day-CHILD~~ care home, or family ~~day-CHILD~~
7 care home within the time required by this section, the department
8 shall return the license or registration fee and shall reduce the
9 license or registration fee for the applicant's next renewal
10 application, if any, by 15%. Failure to issue or deny a license to
11 a child care center, group ~~day-CHILD~~ care home, or family ~~day-CHILD~~
12 care home within the time period required under this section does
13 not allow the department to otherwise delay the processing of the
14 application. A completed application shall be placed in sequence
15 with other completed applications received at that same time. The
16 department shall not discriminate against an applicant in the
17 processing of an application based on the fact that the application
18 fee was refunded or discounted under this subsection.

19 (12) If, on a continual basis, inspections performed by a
20 local health department delay the department in issuing or denying
21 licenses or registrations for child care centers, group day care
22 homes, and family ~~day-CHILD~~ care homes under this act within the 6-
23 month period, the department may use department staff to complete
24 the inspections instead of the local health department causing the
25 delays.

26 (13) Beginning October 1, 2008, the director of the department
27 shall submit a report by December 1 of each year to the standing

committees and appropriations subcommittees of the senate and house of representatives concerned with human services and children's issues. The director shall include all of the following information regarding applications for licenses and registrations only for child care centers, group ~~day~~ **CHILD** care homes, and family ~~day~~ **CHILD** care homes filed under this act in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the department received and completed within the 6-month time period described in subsection (9).

(b) The number of applications requiring a request for additional information.

(c) The number of applications rejected.

(d) The number of licenses and registrations not issued within the 6-month period.

(e) The average processing time for initial and renewal licenses and registrations granted after the 6-month period.

(14) Except as provided in section 5c(8), the department shall not issue to or renew the license of a child care center or day care center under this act without requesting a criminal history check and criminal records check as required by section 5c. If a criminal history check or criminal records check performed under section 5c **OR INFORMATION OBTAINED AS A RESULT OF NOTIFICATION FROM THE DEPARTMENT OF STATE POLICE UNDER SECTION 5K** reveals that an applicant for a license under this act has been convicted of a listed offense, the department shall not issue a license to that applicant. If a criminal history check or criminal records check

1 performed under section 5c **OR INFORMATION OBTAINED AS A RESULT OF**
2 **NOTIFICATION FROM THE DEPARTMENT OF STATE POLICE UNDER SECTION 5K**
3 reveals that an applicant for renewal of a license under this act
4 has been convicted of a listed offense, the department shall not
5 renew that license. If a criminal history check or criminal records
6 check performed under section 5c **OR INFORMATION OBTAINED AS A**
7 **RESULT OF NOTIFICATION FROM THE DEPARTMENT OF STATE POLICE UNDER**
8 **SECTION 5K** reveals that a current licensee has been convicted of a
9 listed offense, the department shall revoke the license of that
10 licensee.

11 (15) Except as provided in section 5f(13), the department
12 shall not issue or renew a certificate of registration to a family
13 ~~day-CHILD~~ care home or a license to a group ~~day-CHILD~~ care home
14 under this act without requesting a criminal history check and
15 criminal records check as required by ~~section~~**SECTIONS** 5f and a
16 ~~department of state police ICHAT check required by section 5g.~~ If a
17 criminal history check or criminal records check performed under
18 section 5f or an ~~ICHAT check performed under section 5g~~ **OR**
19 **INFORMATION OBTAINED AS A RESULT OF NOTIFICATION FROM THE**
20 **DEPARTMENT OF STATE POLICE UNDER SECTION 5K** reveals that an
21 applicant for a certificate of registration or license under this
22 act or a person over 18 years of age residing in that applicant's
23 home has been convicted of a listed offense, the department shall
24 not issue a certificate of registration or license to that
25 applicant. If a criminal history check or criminal records check
26 performed under section 5f or an ~~ICHAT check performed under~~
27 ~~section 5g~~ **OR INFORMATION OBTAINED AS A RESULT OF NOTIFICATION FROM**

1 THE DEPARTMENT OF STATE POLICE UNDER SECTION 5K reveals that an
2 applicant for renewal of a certificate of registration or license
3 under this act or a person over 18 years of age residing in that
4 applicant's home has been convicted of a listed offense, the
5 department shall not renew a certificate of registration or license
6 to that applicant. If a criminal history check or criminal records
7 check performed under section 5f or ~~an ICHAT check performed under~~
8 ~~section 5g~~ OR INFORMATION OBTAINED AS A RESULT OF NOTIFICATION FROM

9 THE DEPARTMENT OF STATE POLICE UNDER SECTION 5K reveals that a
10 current registrant or licensee under this act or a person over 18
11 years of age residing in that registrant's or licensee's home has
12 been convicted of a listed offense, the department shall revoke
13 that registrant's certificate of registration or licensee's
14 license.

15 (16) EXCEPT AS PROVIDED IN SECTION 5H(7), THE DEPARTMENT SHALL
16 NOT ISSUE OR RENEW A LICENSE TO OPERATE A FOSTER FAMILY HOME OR
17 FOSTER FAMILY GROUP HOME UNDER THIS ACT WITHOUT REQUESTING A
18 CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK AS REQUIRED BY
19 SECTIONS 5H AND 5J. IF A CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS
20 CHECK PERFORMED UNDER SECTION 5H OR 5J OR INFORMATION OBTAINED AS A
21 RESULT OF NOTIFICATION FROM THE DEPARTMENT OF STATE POLICE UNDER
22 SECTION 5K REVEALS THAT AN APPLICANT FOR A LICENSE TO OPERATE A
23 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME UNDER THIS ACT OR A
24 PERSON OVER 18 YEARS OF AGE RESIDING IN THAT APPLICANT'S HOME HAS
25 BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL NOT ISSUE
26 A LICENSE TO THAT APPLICANT. IF A CRIMINAL HISTORY CHECK OR CRIMINAL
27 RECORDS CHECK PERFORMED UNDER SECTION 5H OR 5J OR INFORMATION

1 OBTAINED AS A RESULT OF NOTIFICATION FROM THE DEPARTMENT OF STATE
2 POLICE UNDER SECTION 5K REVEALS THAT AN APPLICANT FOR RENEWAL OF A
3 LICENSE TO OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME
4 UNDER THIS ACT OR A PERSON OVER 18 YEARS OF AGE RESIDING IN THAT
5 APPLICANT'S HOME HAS BEEN CONVICTED OF A LISTED OFFENSE, THE
6 DEPARTMENT SHALL NOT RENEW A LICENSE TO THAT APPLICANT. IF A
7 CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK PERFORMED UNDER
8 SECTION 5H OR 5J OR INFORMATION OBTAINED AS A RESULT OF
9 NOTIFICATION FROM THE DEPARTMENT OF STATE POLICE UNDER SECTION 5K
10 REVEALS THAT A CURRENT LICENSEE UNDER THIS ACT OF A FOSTER FAMILY
11 HOME OR FOSTER FAMILY GROUP HOME OR A PERSON OVER 18 YEARS OF AGE
12 RESIDING IN THAT LICENSEE'S FOSTER FAMILY HOME OR FOSTER FAMILY
13 GROUP HOME HAS BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT
14 SHALL REVOKE THAT LICENSEE'S LICENSE.

15 (17) ~~(16)~~—As used in this section:

16 (a) "Completed application" means an application complete on
17 its face and submitted with any applicable licensing or
18 registration fees as well as any other information, records,
19 approval, security, or similar item required by law or rule from a
20 local unit of government, a federal agency, or a private entity but
21 not from another department or agency of this state. A completed
22 application does not include a health inspection performed by a
23 local health department.

24 (b) "Good moral character" means that term as defined in and
25 determined under 1974 PA 381, MCL 338.41 to 338.47.

26 (c) "Member of the household" means any individual, other than
27 a foster child, who resides in a foster family home or foster

1 family group home on an ongoing or recurrent basis.

2 SEC. 5H. (1) EXCEPT AS PROVIDED IN SUBSECTION (7), WHEN A
3 PERSON APPLIES FOR OR TO RENEW A LICENSE TO OPERATE A FOSTER FAMILY
4 HOME OR FOSTER FAMILY GROUP HOME UNDER THIS ACT, THE DEPARTMENT
5 SHALL REQUEST THE DEPARTMENT OF STATE POLICE TO PERFORM BOTH OF THE
6 FOLLOWING ON THAT PERSON:

7 (A) CONDUCT A CRIMINAL HISTORY CHECK ON THE PERSON.

8 (B) CONDUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL
9 BUREAU OF INVESTIGATION ON THE PERSON.

10 (2) EACH PERSON APPLYING FOR A LICENSE TO OPERATE A FOSTER
11 FAMILY HOME OR FOSTER FAMILY GROUP HOME SHALL GIVE WRITTEN CONSENT
12 AT THE TIME OF APPLICATION FOR THE DEPARTMENT OF STATE POLICE TO
13 CONDUCT A CRIMINAL HISTORY CHECK AND A CRIMINAL RECORDS CHECK
14 REQUIRED UNDER THIS SECTION. THE DEPARTMENT SHALL REQUIRE THE
15 PERSON TO SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE
16 POLICE FOR THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK
17 DESCRIBED IN SUBSECTION (1).

18 (3) THE DEPARTMENT SHALL REQUEST A CRIMINAL HISTORY CHECK AND
19 CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION ON A FORM AND IN
20 THE MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE.

21 (4) WITHIN A REASONABLE TIME AFTER RECEIVING A COMPLETE
22 REQUEST BY THE DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON A PERSON
23 UNDER THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL CONDUCT
24 THE CRIMINAL HISTORY CHECK AND PROVIDE A REPORT OF THE RESULTS TO
25 THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY
26 RECORD INFORMATION ON THE PERSON MAINTAINED BY THE DEPARTMENT OF
27 STATE POLICE.

1 (5) WITHIN A REASONABLE TIME AFTER RECEIVING A PROPER REQUEST
2 BY THE DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON A PERSON UNDER
3 THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL INITIATE THE
4 CRIMINAL RECORDS CHECK. AFTER RECEIVING THE RESULTS OF THE CRIMINAL
5 RECORDS CHECK FROM THE FEDERAL BUREAU OF INVESTIGATION, THE
6 DEPARTMENT OF STATE POLICE SHALL PROVIDE A REPORT OF THE RESULTS TO
7 THE DEPARTMENT.

8 (6) THE DEPARTMENT OF STATE POLICE MAY CHARGE THE DEPARTMENT A
9 FEE FOR A CRIMINAL HISTORY CHECK OR A CRIMINAL RECORDS CHECK
10 REQUIRED UNDER THIS SECTION THAT DOES NOT EXCEED THE ACTUAL AND
11 REASONABLE COST OF CONDUCTING THE CHECK.

12 (7) BEGINNING JANUARY 1, 2008, IF A PERSON APPLYING TO RENEW A
13 LICENSE TO OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME
14 UNDER THIS ACT HAS PREVIOUSLY UNDERGONE A CRIMINAL HISTORY CHECK
15 AND CRIMINAL RECORDS CHECK REQUIRED UNDER SUBSECTION (1) AND HAS
16 CONTINUOUSLY MAINTAINED A LICENSE TO OPERATE A FOSTER FAMILY HOME
17 OR FOSTER FAMILY GROUP HOME UNDER THIS ACT AFTER THE CRIMINAL
18 HISTORY CHECK AND CRIMINAL RECORDS CHECK HAVE BEEN PERFORMED, THAT
19 PERSON IS NOT REQUIRED TO SUBMIT TO ANOTHER CRIMINAL HISTORY CHECK
20 OR CRIMINAL RECORDS CHECK UPON RENEWAL OF THE LICENSE OBTAINED TO
21 OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME UNDER THIS
22 ACT.

23 (8) THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO ALL PERSONS
24 CURRENTLY ISSUED A LICENSE TO OPERATE A FOSTER FAMILY HOME OR
25 FOSTER FAMILY GROUP HOME AND ALL APPLICANTS APPLYING FOR A LICENSE
26 TO OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME, THAT
27 UPON RENEWAL ALL LICENSEES WILL BE REQUIRED TO SUBMIT FINGERPRINTS

1 AND UNDERGO A CRIMINAL HISTORY CHECK AND A CRIMINAL RECORDS CHECK
2 BEFORE THEIR LICENSES WILL BE RENEWED. THE NOTICE PROVIDED UNDER
3 THIS SUBSECTION SHALL INCLUDE INFORMATION TO THE LICENSEE THAT HE
4 OR SHE MAY SUBMIT HIS OR HER FINGERPRINTS IN ADVANCE OF THE TIME
5 HIS OR HER LICENSE IS UP FOR RENEWAL.

6 SEC. 5I. (1) A PERSON TO WHOM A LICENSE TO OPERATE A FOSTER
7 FAMILY HOME OR FOSTER FAMILY GROUP HOME HAS BEEN ISSUED UNDER THIS
8 ACT SHALL REPORT TO THE DEPARTMENT WITHIN 3 BUSINESS DAYS AFTER HE
9 OR SHE HAS BEEN ARRAIGNED FOR 1 OR MORE OF THE FOLLOWING CRIMES AND
10 WITHIN 3 BUSINESS DAYS AFTER HE OR SHE KNOWS OR SHOULD REASONABLY
11 KNOW THAT A PERSON OVER 18 YEARS OF AGE RESIDING IN THE HOME HAS
12 BEEN ARRAIGNED FOR 1 OR MORE OF THE FOLLOWING CRIMES:

13 (A) ANY FELONY.

14 (B) ANY OF THE FOLLOWING MISDEMEANORS:

15 (i) CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE OR AN ATTEMPT
16 TO COMMIT CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

17 (ii) CHILD ABUSE IN THE THIRD OR FOURTH DEGREE OR AN ATTEMPT TO
18 COMMIT CHILD ABUSE IN THE THIRD OR FOURTH DEGREE.

19 (iii) A MISDEMEANOR INVOLVING CRUELTY, TORTURE, OR INDECENT
20 EXPOSURE INVOLVING A CHILD.

21 (iv) A MISDEMEANOR VIOLATION OF SECTION 7410 OF THE PUBLIC
22 HEALTH CODE, 1978 PA 368, MCL 333.7410.

23 (v) A VIOLATION OF SECTION 115, 141A, 145A, 335A, OR 359 OF
24 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.115, 750.141A,
25 750.145A, 750.335A, AND 750.359, OR A MISDEMEANOR VIOLATION OF
26 SECTION 81, 81A, OR 145D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
27 MCL 750.81, 750.81A, AND 750.145D.

1 (vi) A MISDEMEANOR VIOLATION OF SECTION 701 OF THE MICHIGAN
2 LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1701.

3 (vii) ANY MISDEMEANOR THAT IS A LISTED OFFENSE.

4 (C) A VIOLATION OF A SUBSTANTIALLY SIMILAR LAW OF ANOTHER
5 STATE, OF A POLITICAL SUBDIVISION OF THIS STATE OR ANOTHER STATE,
6 OR OF THE UNITED STATES.

7 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A CRIME
8 AS FOLLOWS:

9 (A) IF THE PERSON VIOLATES SUBSECTION (1) AND THE CRIME
10 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS A LISTED OFFENSE
11 OR IS A FELONY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
12 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN
13 \$2,000.00, OR BOTH.

14 (B) IF THE PERSON VIOLATES SUBSECTION (1) AND THE CRIME
15 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS NOT A LISTED
16 OFFENSE, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
17 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
18 \$1,000.00, OR BOTH.

19 (3) THE DEPARTMENT SHALL DELETE FROM THE LICENSEE'S RECORDS
20 ALL INFORMATION RELATING TO AN ARRAIGNMENT REQUIRED TO BE REPORTED
21 UNDER THIS SECTION IF THE DEPARTMENT RECEIVES DOCUMENTATION THAT
22 THE PERSON ARRAIGNED FOR THE CRIME IS SUBSEQUENTLY NOT CONVICTED OF
23 ANY CRIME AFTER THE COMPLETION OF JUDICIAL PROCEEDINGS RESULTING
24 FROM THAT ARRAIGNMENT.

25 (4) NOT LATER THAN JANUARY 1, 2008, THE DEPARTMENT SHALL
26 INFORM ALL PERSONS CURRENTLY ISSUED A LICENSE TO OPERATE A FOSTER
27 FAMILY HOME OR FOSTER FAMILY GROUP HOME AND ALL APPLICANTS FOR A

1 LICENSE TO OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME
2 OF THE REQUIREMENT TO REPORT CERTAIN ARRAIGNMENTS AS REQUIRED IN
3 THIS SECTION AND THE PENALTY FOR NOT REPORTING THOSE ARRAIGNMENTS.

4 (5) AT THE TIME THE DEPARTMENT ISSUES A LICENSE TO OPERATE A
5 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME UNDER THIS ACT, THE
6 DEPARTMENT SHALL NOTIFY THE LICENSEE OF THE REQUIREMENT TO REPORT
7 CERTAIN ARRAIGNMENTS AS REQUIRED IN THIS SECTION AND THE PENALTY
8 FOR NOT REPORTING THOSE ARRAIGNMENTS.

9 SEC. 5J. (1) WHEN A PERSON APPLIES FOR OR TO RENEW A LICENSE
10 TO OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME UNDER
11 THIS ACT, THE DEPARTMENT SHALL PERFORM A CRIMINAL HISTORY CHECK
12 WITH THE DEPARTMENT OF STATE POLICE ON ALL PERSONS OVER 18 YEARS OF
13 AGE RESIDING IN THE HOME IN WHICH THE FOSTER FAMILY HOME OR FOSTER
14 FAMILY GROUP HOME IS OPERATED. THIS SECTION DOES NOT APPLY TO A
15 PERSON RESIDING IN THE HOME FOR A PERIOD OF NOT MORE THAN 14 DAYS.

16 (2) NOT LATER THAN JANUARY 1, 2009, THE DEPARTMENT SHALL
17 PERFORM A CRIMINAL HISTORY CHECK WITH THE DEPARTMENT OF STATE
18 POLICE ON ALL PERSONS OVER 18 YEARS OF AGE RESIDING IN THE HOME IN
19 WHICH A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME IS CURRENTLY
20 OPERATED.

21 (3) IF A CRIMINAL HISTORY CHECK REVEALS THAT A PERSON OVER 18
22 YEARS OF AGE RESIDING IN THE FOSTER FAMILY HOME OR FOSTER FAMILY
23 GROUP HOME HAS BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT
24 SHALL NOT ISSUE A LICENSE TO THE APPLICANT, SHALL NOT RENEW A
25 LICENSE TO THE LICENSEE APPLYING FOR RENEWAL, OR SHALL REVOKE A
26 CURRENT LICENSEE'S LICENSE.

27 SEC. 5K. THE DEPARTMENT OF STATE POLICE SHALL STORE AND

1 MAINTAIN ALL FINGERPRINTS SUBMITTED UNDER THIS ACT IN AN AUTOMATED
2 FINGERPRINT IDENTIFICATION SYSTEM DATABASE THAT PROVIDES FOR AN
3 AUTOMATIC NOTIFICATION AT THE TIME A SUBSEQUENT CRIMINAL ARREST
4 FINGERPRINT CARD SUBMITTED INTO THE SYSTEM MATCHES A SET OF
5 FINGERPRINTS PREVIOUSLY SUBMITTED IN ACCORDANCE WITH THIS ACT. UPON
6 SUCH NOTIFICATION, THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY
7 NOTIFY THE DEPARTMENT AND THE DEPARTMENT SHALL IMMEDIATELY CONTACT
8 THE RESPECTIVE CHILD CARE CENTER, DAY CARE CENTER, FAMILY CHILD
9 CARE HOME, GROUP CHILD CARE HOME, LICENSED CHILD PLACING AGENCY OR
10 APPROVED GOVERNMENTAL UNIT, FOSTER FAMILY HOME, OR FOSTER FAMILY
11 GROUP HOME WITH WHICH THAT INDIVIDUAL IS ASSOCIATED. INFORMATION IN
12 THE DATABASE MAINTAINED UNDER THIS SUBSECTION IS CONFIDENTIAL, IS
13 NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT,
14 1976 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO
15 ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT
16 PURPOSES.

17 Enacting section 1. This amendatory act takes effect January
18 1, 2008.