

SUBSTITUTE FOR
SENATE BILL NO. 220

A bill to amend 1935 PA 120, entitled

"An act to prescribe a method for the fingerprinting of residents of the state; to provide for the recording and filing of the fingerprints by the central records division of the department of state police; and to impose a fee,"

by amending section 3 (MCL 28.273), as amended by 2015 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Until October 1, 2019, the department ~~of state~~
2 ~~police~~ may charge a fee, not to exceed \$30.00, for taking and
3 processing the fingerprints and completing a criminal record check
4 of a resident of this state when the impression of the fingerprints
5 are requested for employment-related or licensing-related purposes.
6 A fee shall not be collected under this subsection if a fee for
7 taking and processing fingerprints is collected under any other
8 law. The fee shall not exceed the actual cost of taking and
9 processing the impression of the fingerprints and completing a

1 criminal record check on that person. The fee shall be collected
2 and forwarded to the ~~state police~~ **DEPARTMENT** by the licensing body
3 or the employer.

4 (2) Until October 1, 2019, the department ~~of state police~~ may
5 charge a fee of \$10.00 for processing and completing a name-based
6 criminal record check. However, a fee shall not be charged under
7 this subsection if a ~~fee for processing the name-based criminal~~
8 ~~record check is charged under any other law or if the~~ **ANY OF THE**
9 **FOLLOWING APPLY:**

10 (A) **THE** requester is a government agency or nonprofit
11 charitable agency performing employment or volunteer employment
12 name-based background checks through ~~the internet criminal history~~
13 ~~access tool (ICHAT).~~ **ICHAT.**

14 (B) **THE REQUESTOR IS AN ANIMAL CONTROL SHELTER OR ANIMAL**
15 **PROTECTION SHELTER THAT IS A NONPROFIT ENTITY AND THAT IS**
16 **PERFORMING A NAME-BASED BACKGROUND CHECK FOR PURPOSES OF ANIMAL**
17 **ADOPTION CHECKS THROUGH ICHAT. THE DEPARTMENT SHALL PERFORM THE**
18 **FEE-WAIVED BACKGROUND CHECK SOLELY FOR THE PERSON ADOPTING THE**
19 **ANIMAL.**

20 (3) **AS USED IN THIS SECTION:**

21 (A) **"ANIMAL ABUSE OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING,**
22 **BUT DOES NOT INCLUDE THE LAWFUL USE OF AN ANIMAL TO HUNT OR TO**
23 **PARTICIPATE IN FIELD TRIALS OR THE LAWFUL KILLING OR OTHER USE OF**
24 **AN ANIMAL IN FARMING OR A GENERALLY ACCEPTED ANIMAL HUSBANDRY OR**
25 **FARMING PRACTICE INVOLVING LIVESTOCK:**

26 (i) **A VIOLATION OF SECTION 49 OF THE MICHIGAN PENAL CODE, 1931**
27 **PA 328, MCL 750.49.**

1 (ii) A VIOLATION OF SECTION 50 OF THE MICHIGAN PENAL CODE, 1931
2 PA 328, MCL 750.50.

3 (iii) A VIOLATION OF SECTION 50A OF THE MICHIGAN PENAL CODE,
4 1931 PA 328, MCL 750.50A.

5 (iv) A VIOLATION OF SECTION 50B OF THE MICHIGAN PENAL CODE,
6 1931 PA 328, MCL 750.50B.

7 (v) A VIOLATION OF SECTION 50C OF THE MICHIGAN PENAL CODE,
8 1931 PA 328, MCL 750.50C.

9 (vi) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
10 1931 PA 328, MCL 750.158, IF THE VIOLATION AROSE OUT OF A CRIME
11 AGAINST NATURE WITH AN ANIMAL.

12 (vii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
13 IN SUBPARAGRAPHS (i) TO (vi).

14 (B) "ANIMAL ADOPTION CHECK" MEANS A BACKGROUND CHECK FOR
15 ANIMAL ABUSE OFFENSES PERFORMED ON THE PERSON WHO IS APPLYING TO
16 ADOPT AN ANIMAL.

17 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

18 (D) "ICHAT" MEANS THE INTERNET CRIMINAL HISTORY ACCESS TOOL
19 MAINTAINED BY THE DEPARTMENT.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.