

# HOUSE BILL No. 4065

January 24, 2017, Introduced by Rep. Pagel and referred to the Committee on Law and Justice.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 5a (MCL 791.205a), as added by 1996 PA 140.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 5a. (1) ~~Beginning on the effective date of this section,~~  
2   **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,** an individual who has  
3   been convicted of a felony, or who is subject to any pending felony  
4   charges, shall not be employed by or appointed to a position in the  
5   department.

6           (2) If records available to the department show that an  
7   applicant for employment or appointment has been convicted of a  
8   felony or is subject to pending felony charges, the department  
9   shall inform the applicant of that fact and of his or her resulting  
10   ineligibility for employment or appointment. At the request of the  
11   applicant, the department shall permit the applicant to review the

1 relevant portion of the records. If the applicant disputes the  
2 accuracy of the records, the department shall allow the applicant a  
3 reasonable period of time to contact the responsible agency or  
4 agencies in order to correct the alleged inaccuracies, and shall  
5 allow the applicant to reapply for employment or appointment if the  
6 records, as corrected, would remove the ineligibility imposed by  
7 this section.

8           (3) THE DEPARTMENT SHALL ESTABLISH A POLICY ALLOWING FOR THE  
9 EMPLOYMENT OR APPOINTMENT OF AN INDIVIDUAL WHO HAS BEEN CONVICTED  
10 OF A FELONY TO A POSITION WITHIN THE DEPARTMENT IF THE INDIVIDUAL'S  
11 EMPLOYMENT OR APPOINTMENT WILL NOT NEGATIVELY IMPACT PUBLIC SAFETY  
12 OR THE OPERATION OF THE DEPARTMENT.

13           (4) THE POLICY DEVELOPED UNDER SUBSECTION (3) SHALL REQUIRE AN  
14 EXTENSIVE BACKGROUND INVESTIGATION OF THE APPLICANT AND THE WRITTEN  
15 APPROVAL OF THE DIRECTOR BEFORE THE DEPARTMENT MAY EMPLOY OR  
16 APPOINT AN APPLICANT TO A POSITION IN THE DEPARTMENT UNDER  
17 SUBSECTION (3).

18           (5) AN INDIVIDUAL WHO IS EMPLOYED BY OR APPOINTED TO A  
19 POSITION IN THE DEPARTMENT UNDER SUBSECTION (3) SHALL NOT BE  
20 DISMISSED FROM HIS OR HER EMPLOYMENT BY OR APPOINTMENT IN THE  
21 DEPARTMENT SOLELY DUE TO A FELONY CONVICTION THAT HE OR SHE  
22 DISCLOSED TO THE DEPARTMENT PRIOR TO HIS OR HER EMPLOYMENT BY OR  
23 APPOINTMENT TO A POSITION IN THE DEPARTMENT.

24           (6) ~~(3) This section~~ SUBSECTION (1) does not apply to a person  
25 AN INDIVIDUAL employed by or appointed to a position in the  
26 department before ~~the effective date of this section.~~ MARCH 25,  
27 1996.

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