

**SUBSTITUTE FOR
SENATE BILL NO. 746**

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 15 (MCL 722.125), as amended by 1993 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (2),~~ A person,
2 child care organization, agency, or representative or officer of a
3 firm, corporation, association, or organization who violates this
4 act is guilty of a misdemeanor ~~—~~punishable by the following:

5 (a) A fine of not less than \$100.00 or more than \$1,000.00 for
6 a violation of section 3b, 3c, or 3d.

7 (b) For a violation not described in subdivision (a) **OR OF**

1 SUBSECTION (2), a fine of not less than \$100.00 or more than
2 \$1,000.00, or imprisonment for not more than 90 days, or both.

3 (2) IF A PERSON, CHILD CARE ORGANIZATION, AGENCY, OR
4 REPRESENTATIVE OR OFFICER OF A FIRM, CORPORATION, ASSOCIATION, OR
5 ORGANIZATION WHO VIOLATES A LICENSING RULE FOR FAMILY AND CHILD
6 CARE HOMES PROMULGATED UNDER THIS ACT, R 400.1901 TO R 400.1963 OF
7 THE MICHIGAN ADMINISTRATIVE CODE, AND THAT VIOLATION RESULTS IN THE
8 DEATH OF A CHILD, THE PERSON, CHILD CARE ORGANIZATION, AGENCY, OR
9 REPRESENTATIVE OR OFFICER OF A FIRM, CORPORATION, ASSOCIATION, OR
10 ORGANIZATION IS GUILTY OF SECOND DEGREE CHILD ABUSE DESCRIBED IN
11 SECTION 136B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B,
12 AND PUNISHABLE AS PROVIDED IN THAT SECTION. IN ADDITION TO ANY
13 OTHER PENALTY IMPOSED, ITS LICENSE OR CERTIFICATE OF REGISTRATION
14 SHALL BE PERMANENTLY REVOKED.

15 (3) ~~(2)~~—If a person, child care organization, agency, or
16 representative or officer of a firm, corporation, association, or
17 organization is convicted under this act, the conviction is
18 sufficient ground for the revocation of its license or certificate
19 of registration, and the person, child care organization, agency,
20 or representative or officer of a firm, corporation, association,
21 or organization convicted shall not be granted a license or
22 certificate of registration, or be permitted to be connected,
23 directly or indirectly, with a licensee or a registrant for a
24 period of not less than 2 years after the conviction, **EXCEPT AS**
25 **PROVIDED IN SUBSECTION (2).**

26 (4) ~~(3)~~—A person, child care organization, agency, or
27 representative or officer of a firm, corporation, association, or

1 organization who has a license or certificate of registration
2 revoked, application denied, or renewal refused, may be refused a
3 license or certificate of registration, or be prohibited from being
4 connected, directly or indirectly, with a licensee or a registrant
5 for a period of not less than 2 years after the revocation, denial,
6 or refusal to renew.

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

9 Enacting section 2. This amendatory act does not take effect
10 unless Senate Bill No. 747 of the 98th Legislature is enacted into
11 law.