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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 53 (as passed by the Senate)
Sponsor: Senator Dan L. DeGrow
Committee: Judiciary

Date Completed: 7-24-89

RATIONALE

The Child Protection Law requires the Department of Social Services (DSS) to investigate complaints of child abuse and neglect. The Act requires the prosecuting attorney of each county and the DSS to "develop and establish procedures for involving law enforcement officials" in an investigation. Some contend, however, that there should be more communication between law enforcement agencies, the DSS, and school districts. They argue that school districts should be informed of charges brought against a district employee, who was the subject of a DSS investigation, for crimes involving sexual conduct.

CONTENT

The bill would amend the Child Protection Law to require that, in each county, the prosecuting attorney and the DSS establish procedures for notifying the DSS and the superintendent of a school district or intermediate school district in which a district employee who was the subject of a DSS investigation officially was charged with any of the following crimes:

- First, second, third, or fourth degree criminal sexual conduct.
- Assault with intent to commit criminal sexual conduct.
- A felonious attempt or felonious conspiracy to commit criminal sexual conduct.
- A felonious assault on a child.
- First, second, third, or fourth degree child abuse.
- Involvement in child abusive commercial material or child abusive commercial activity.

The DSS and the superintendent would have to be notified in accordance with the procedures when a district employee who had been investigated by the DSS was officially charged with any of those crimes.

MCL 722.628

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

The bill would provide for notification of a school district that a district employee had been charged with an offense that could threaten the health or safety of students and staff. Such notification could prevent further criminal actions.

Opposing Argument

Notification of an individual's arrest could be prejudicial to his or her continued employment. The bill could result in the individual being denied employment, regardless of whether he or she were found guilty.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.