

HOUSE BILL No. 4983

June 20, 1991, Introduced by Rep. Bouchard and referred to the Committee on Social Services and Youth.

A bill to require certain disclosures by certain persons having or seeking to have care of, or supervisory or disciplinary power over, minors; to permit criminal history checks of such persons; to prescribe the powers and duties and limit the liability of certain departments and agencies; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "child-related employment criminal history check act".

3 Sec. 2. As used in this act:

4 (a) "Applicant" means a person seeking to become an employee
5 or volunteer of an employer.

6 (b) "Criminal history check" means a determination by the
7 department through the use of the law enforcement information
8 network and records to which the department has access of whether

1 a person has been convicted of a crime in this or another state
2 and the nature of the crime and conviction.

3 (c) "Department" means the department of state police.

4 (d) "Employee" means an employer's paid employee who has the
5 care of, or supervisory or disciplinary powers over, a minor.

6 (e) "Employer" means any of the following that employs or
7 uses the services of a paid employee or volunteer:

8 (i) A child care organization as defined in section 1 of Act
9 No. 116 of the Public Acts of 1973, being section 722.111 of the
10 Michigan Compiled Laws.

11 (ii) An adult foster care family home or adult foster care
12 small group home as defined in section 3 of the adult foster care
13 facility licensing act, Act No. 218 of the Public Acts of 1979,
14 being section 400.703 of the Michigan Compiled Laws.

15 (iii) A private or public school with any grade from kinder-
16 garten to twelfth grade.

17 (iv) A public or private intermediate or long-term care
18 facility providing care or treatment for a mental, physical, emo-
19 tional, or rehabilitative condition or disease for a child.

20 (v) A juvenile facility as defined in section 2 of the juve-
21 nile facilities act, Act No. 73 of the Public Acts of 1988, being
22 section 803.222 of the Michigan Compiled Laws.

23 (f) "Volunteer" means a person providing voluntary services
24 to an employer and who has the care of, or supervisory or disci-
25 plinary power over, a minor in that capacity.

26 Sec. 3. (1) An employer shall obtain from each applicant,
27 employee, or volunteer a signed statement of whether the

1 applicant, employee, or volunteer has ever been convicted of any
2 of the following offenses in this state or under the statutes of
3 the United States or another state and, if so, the details of the
4 conviction:

5 (a) A felony.

6 (b) A misdemeanor that is a sexual offense, or that involves
7 child abuse or an act of violence against a minor.

8 (c) An attempt or conspiracy to commit an offense described
9 in subdivision (a) or (b).

10 (2) An applicant, employee, or volunteer who knowingly or
11 intentionally makes a false statement or withholds information in
12 connection with the signed statement required under subsection
13 (1) is guilty of a misdemeanor, punishable by imprisonment for
14 not more than 6 months or a fine of not more than \$1,000.00, or
15 both.

16 Sec. 4. (1) An applicant, employee, or volunteer shall give
17 written consent for his or her employer to conduct a criminal
18 history check.

19 (2) An employer may request the department to conduct a
20 criminal history check on an applicant, employee, or volunteer
21 who has given written consent pursuant to subsection (1).

22 (3) Upon request, the department shall conduct the criminal
23 history check and provide the results to the employer and to the
24 applicant, employee, or volunteer.

25 (4) The department shall prescribe the form of the request
26 and necessary information for a criminal history check pursuant
27 to this act.

1 Sec. 5. Except for a knowing or intentional release of
2 false information, the department and its employees have no
3 liability in connection with a criminal history check conducted
4 pursuant to this act.