

# HOUSE BILL No. 5238

October 9, 1991, Introduced by Reps. Barns, Porreca, DeMars, Berman, Rocca, Kosteva and Hoffman and referred to the Committee on Senior Citizens and Retirement.

A bill to amend Act No. 218 of the Public Acts of 1979, entitled  
"Adult foster care facility licensing act,"  
as amended, being sections 400.701 to 400.737 of the Michigan  
Compiled Laws, by adding sections 34, 34a, 34b, and 34c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 218 of the Public Acts of 1979, as  
2 amended, being sections 400.701 to 400.737 of the Michigan  
3 Compiled Laws, is amended by adding sections 34, 34a, 34b, and  
4 34c to read as follows:

5 SEC. 34. AS USED IN THIS SECTION AND SECTIONS 34A TO 34C:

6 (A) "APPLICANT" MEANS A PERSON SEEKING TO BECOME AN EMPLOYEE  
7 OR VOLUNTEER OF AN ADULT FOSTER CARE FACILITY.

8 (B) "CRIMINAL HISTORY CHECK" MEANS A DETERMINATION BY A  
9 SHERIFF'S DEPARTMENT THROUGH THE USE OF THE LAW ENFORCEMENT

1 INFORMATION NETWORK AND RECORDS TO WHICH THE SHERIFF HAS ACCESS  
2 OF WHETHER AN INDIVIDUAL HAS BEEN CONVICTED OF A CRIME IN THIS OR  
3 ANOTHER STATE AND THE NATURE OF THE CRIME AND CONVICTION.

4 SEC. 34A. A LICENSEE SHALL NOT EMPLOY OR UTILIZE AS A VOL-  
5 UNTEER IN AN ADULT FOSTER CARE FACILITY AN INDIVIDUAL WHO HAS  
6 BEEN CONVICTED OF ANY OF THE FOLLOWING IN THIS STATE OR UNDER THE  
7 STATUTES OF THE UNITED STATES OR ANOTHER STATE:

8 (A) A FELONY.

9 (B) A MISDEMEANOR COMMITTED AGAINST AN INDIVIDUAL WHO IS  
10 AGED OR WHO HAS A DEVELOPMENTAL DISABILITY, MENTAL ILLNESS, OR  
11 PHYSICAL DISABILITY.

12 (C) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED  
13 IN SUBDIVISION (A) OR (B).

14 SEC. 34B. A LICENSEE SHALL DO ALL OF THE FOLLOWING:

15 (A) REQUIRE THAT AN APPLICANT DO ALL OF THE FOLLOWING AS A  
16 CONDITION OF EMPLOYMENT OR VOLUNTEER STATUS WITH THE ADULT FOSTER  
17 CARE FACILITY:

18 (i) SIGN A STATEMENT AS TO WHETHER THE APPLICANT HAS EVER  
19 BEEN CONVICTED OF AN OFFENSE DESCRIBED IN SECTION 34A.

20 (ii) APPEAR BEFORE THE SHERIFF OF THE COUNTY IN WHICH THE  
21 LICENSED FACILITY IS LOCATED AND BE FINGERPRINTED.

22 (iii) CONSENT IN WRITING FOR THE SHERIFF TO CONDUCT A CRIMI-  
23 NAL HISTORY CHECK ON THE APPLICANT.

24 (B) REQUEST THE SHERIFF OF THE COUNTY IN WHICH THE LICENSED  
25 FACILITY IS LOCATED TO TAKE AND PROCESS THE FINGERPRINTS AND CON-  
26 DUCT A CRIMINAL HISTORY CHECK OF EACH APPLICANT FOR A POSITION  
27 WITH THE LICENSED FACILITY.

1        SEC. 34C. AN APPLICANT, EMPLOYEE, OR VOLUNTEER OF AN ADULT  
2 FOSTER CARE FACILITY WHO KNOWINGLY OR INTENTIONALLY MAKES A FALSE  
3 STATEMENT OR WITHHOLDS INFORMATION IN CONNECTION WITH THE SIGNED  
4 STATEMENT REQUIRED UNDER SECTION 34B IS GUILTY OF A MISDEMEANOR,  
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR A FINE  
6 OF NOT MORE THAN \$1,000.00, OR BOTH.