

SENATE BILL No. 436

July 11, 1991, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, by adding section 123.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 280 of the Public Acts of 1939, as
2 amended, being sections 400.1 to 400.121 of the Michigan Compiled
3 Laws, is amended by adding section 123 to read as follows:

4 SEC. 123. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OR (3),
5 AN INDIVIDUAL WHO IS CHARGED WITH OR CONVICTED OF A FELONY, SHALL
6 NOT BE EMPLOYED OR APPOINTED TO SERVE IN A POSITION IN THE STATE
7 DEPARTMENT DEALING DIRECTLY WITH CHILDREN AND YOUTH SERVICES,
8 INCLUDING, BUT NOT LIMITED TO, POSITIONS DEALING WITH ABUSE,

1 NEGLECT, DETENTION, FOSTER CARE, ADOPTION, OR PROBATION
2 SERVICES.

3 (2) EXCEPT AS PROVIDED IN SUBSECTION (4), THE DIRECTOR MAY
4 WAIVE THE PROHIBITION IN SUBSECTION (1) AS TO AN INDIVIDUAL WHO
5 HAS BEEN CONVICTED OF A FELONY, IF BOTH OF THE FOLLOWING CIRCUM-
6 STANCES EXIST:

7 (A) THE DATE OF FINAL RELEASE FROM INCARCERATION, THE DATE
8 OF FINAL RELEASE FROM PROBATION, OR THE DATE OF FINAL RELEASE
9 FROM PAROLE, WHICHEVER IS LATER, OCCURRED NOT LESS THAN 5 YEARS
10 BEFORE THE DATE ON WHICH THE INDIVIDUAL APPLIES FOR THE APPOINT-
11 MENT OR EMPLOYMENT, AND THE PERSON IS NOT SUBJECT TO ANY PENDING
12 FELONY CHARGES.

13 (B) THE DIRECTOR CONDUCTS AN EXTENSIVE AND COMPLETE INVESTI-
14 GATION OF THE INDIVIDUAL'S BACKGROUND, AND DETERMINES THAT, NOT-
15 WITHSTANDING THE INDIVIDUAL'S FELONY CONVICTION, THE EMPLOYMENT
16 OR APPOINTMENT OF THE INDIVIDUAL IS APPROPRIATE. A WRITTEN
17 REPORT, SIGNED BY THE DIRECTOR, SHALL BE MADE OF EVERY INVESTIGA-
18 TION UNDER THIS SUBDIVISION THAT RESULTS IN A DETERMINATION THAT
19 AN INDIVIDUAL'S EMPLOYMENT OR APPOINTMENT IS APPROPRIATE.

20 (3) THIS SECTION DOES NOT APPLY TO A PERSON EMPLOYED BY OR
21 APPOINTED TO A POSITION IN THE STATE DEPARTMENT PRIOR TO THE
22 EFFECTIVE DATE OF THIS SECTION.

23 (4) THE DIRECTOR SHALL NOT WAIVE THE PROHIBITION IN SUBSEC-
24 TION (1) AS TO AN INDIVIDUAL WHO HAS BEEN CONVICTED OF 1 OR MORE
25 OF THE FOLLOWING:

26 (A) ASSAULT WITH INTENT TO COMMIT MURDER, IN VIOLATION OF
27 SECTION 83 OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC

1 ACTS OF 1931, BEING SECTION 750.83 OF THE MICHIGAN COMPILED
2 LAWS.

3 (B) ASSAULT WITH INTENT TO ROB AND STEAL, IN VIOLATION OF
4 SECTION 89 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SEC-
5 TION 750.89 OF THE MICHIGAN COMPILED LAWS.

6 (C) ATTEMPTED MURDER, IN VIOLATION OF SECTION 91 OF ACT
7 NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.91 OF THE
8 MICHIGAN COMPILED LAWS.

9 (D) CHILD ABUSE IN THE FIRST OR SECOND DEGREE, IN VIOLATION
10 OF SECTION 136B OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING
11 SECTION 750.136B OF THE MICHIGAN COMPILED LAWS.

12 (E) A CHILD SEXUALLY ABUSIVE FELONY IN VIOLATION OF SECTION
13 145C OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION
14 750.145C OF THE MICHIGAN COMPILED LAWS.

15 (F) SODOMY, IN VIOLATION OF SECTION 158 OF ACT NO. 328 OF
16 THE PUBLIC ACTS OF 1931, BEING SECTION 750.158 OF THE MICHIGAN
17 COMPILED LAWS.

18 (G) MURDER IN THE FIRST DEGREE, IN VIOLATION OF SECTION 316
19 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.316
20 OF THE MICHIGAN COMPILED LAWS.

21 (H) MURDER IN THE SECOND DEGREE, IN VIOLATION OF SECTION 317
22 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.317
23 OF THE MICHIGAN COMPILED LAWS.

24 (I) GROSS INDECENCY BETWEEN MALES, IN VIOLATION OF SECTION
25 338 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION
26 750.338 OF THE MICHIGAN COMPILED LAWS.

1 (J) GROSS INDECENCY BETWEEN FEMALES, IN VIOLATION OF SECTION
2 338A OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION
3 750.338A OF THE MICHIGAN COMPILED LAWS.

4 (K) GROSS INDECENCY BETWEEN MALES AND FEMALES, IN VIOLATION
5 OF SECTION 338B OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING
6 SECTION 750.338B OF THE MICHIGAN COMPILED LAWS.

7 (L) KIDNAPPING, IN VIOLATION OF SECTION 349 OF ACT NO. 328
8 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.349 OF THE MICHIGAN
9 COMPILED LAWS.

10 (M) LEADING, TAKING, CARRYING AWAY, DECORING, OR ENTICING
11 AWAY A CHILD IN VIOLATION OF SECTION 350 OF ACT NO. 328 OF THE
12 PUBLIC ACTS OF 1931, BEING SECTION 750.350 OF THE MICHIGAN
13 COMPILED LAWS.

14 (N) PANDERING, IN VIOLATION OF SECTION 455 OF ACT NO. 328 OF
15 THE PUBLIC ACTS OF 1931, BEING SECTION 750.455 OF THE MICHIGAN
16 COMPILED LAWS.

17 (O) CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, IN VIOLA-
18 TION OF SECTION 520B OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
19 BEING SECTION 750.520B OF THE MICHIGAN COMPILED LAWS.

20 (P) CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE, IN VIOLA-
21 TION OF SECTION 520C OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
22 BEING SECTION 750.520C OF THE MICHIGAN COMPILED LAWS.

23 (Q) CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, IN VIOLA-
24 TION OF SECTION 520D OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
25 BEING SECTION 750.520D OF THE MICHIGAN COMPILED LAWS.

1 (R) ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT,
2 IN VIOLATION OF SECTION 520G OF ACT NO. 328 OF THE PUBLIC ACTS OF
3 1931, BEING SECTION 750.520G OF THE MICHIGAN COMPILED LAWS.

4 (S) ARMED ROBBERY, IN VIOLATION OF SECTION 529 OF ACT
5 NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.529 OF THE
6 MICHIGAN COMPILED LAWS.