



# SENATE BILL No. 1012

February 9, 1994, Introduced by Senator WELBORN and referred to the Committee on Family Law, Mental Health, 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 119b 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 119b of the Michigan  
3 Compiled Laws, is amended by adding section 123 to read as  
4 follows

5 SEC 123 (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OR (3),  
6 THE STATE DEPARTMENT SHALL NOT EMPLOY OR APPOINT AN INDIVIDUAL TO  
7 SERVE IN A POSITION IN THE STATE DEPARTMENT THAT REQUIRES DIRECT  
8 INTERACTION WITH CHILDREN AND YOUTH SERVICES, INCLUDING, BUT NOT

1 LIMITED TO, POSITIONS DEALING WITH ABUSE, NEGLECT, DETENTION,  
2 FOSTER CARE, ADOPTION, OR PROBATION SERVICES, IF THAT INDIVIDUAL  
3 HAS BEEN CONVICTED OF A FELONY OR IS SUBJECT TO ANY PENDING  
4 FELONY CHARGES AS REVEALED BY RECORDS CONTAINED IN THE STATE  
5 REPOSITORY OF CRIMINAL HISTORY RECORD INFORMATION, WHICH THE  
6 STATE DEPARTMENT SHALL OBTAIN THROUGH THE USE OF THE LAW ENFORCE-  
7 MENT INFORMATION NETWORK, OR BY RECORDS OBTAINED PURSUANT TO A  
8 NATIONAL CRIMINAL HISTORY RECORD CHECK THE STATE DEPARTMENT  
9 SHALL REQUIRE APPLICANTS FOR EMPLOYMENT OR APPOINTMENT TO BE FIN-  
10 GERPRINTED AND TO EXECUTE ANY CONSENTS NECESSARY TO IMPLEMENT THE  
11 CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SUBSECTION THE  
12 DEPARTMENT OR AGENCY TAKING THE FINGERPRINTS SHALL SUBMIT A SET  
13 OF THE FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE, WHICH  
14 SHALL FORWARD THEM TO THE FEDERAL BUREAU OF INVESTIGATION, OR  
15 OTHER AGENCY DESIGNATED BY THE FEDERAL BUREAU OF INVESTIGATION  
16 PURSUANT TO FEDERAL LAW FOR A NATIONAL CRIMINAL HISTORY RECORD  
17 CHECK UPON RECEIPT OF THE REPORT OF THE FEDERAL BUREAU OF  
18 INVESTIGATION, THE DEPARTMENT OF STATE POLICE SHALL FORWARD THE  
19 REPORT TO THE STATE DEPARTMENT

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

24 (A) THE DATE OF FINAL RELEASE FROM INCARCERATION THE DATE  
25 OF FINAL RELEASE FROM PROBATION OR THE DATE OF FINAL RELEASE  
26 FROM PAROLE, WHICHEVER IS LATER, OCCURRED NOT LESS THAN 5 YEARS  
27 BEFORE THE DATE ON WHICH THE INDIVIDUAL APPLIES FOR THE

1 APPOINTMENT OR EMPLOYMENT, AND THE PERSON IS NOT SUBJECT TO ANY  
2 PENDING FELONY CHARGES

3 (B) THE DIRECTOR CONDUCTS AN EXTENSIVE AND COMPLETE INVESTI-  
4 GATION OF THE INDIVIDUAL'S BACKGROUND, AND DETERMINES THAT NOT-  
5 WITHSTANDING THE INDIVIDUAL'S FELONY CONVICTION, THE EMPLOYMENT  
6 OR APPOINTMENT OF THE INDIVIDUAL IS APPROPRIATE A WRITTEN  
7 REPORT, SIGNED BY THE DIRECTOR, SHALL BE MADE OF EVERY INVESTIGA-  
8 TION UNDER THIS SUBDIVISION THAT RESULTS IN A DETERMINATION THAT  
9 AN INDIVIDUAL'S EMPLOYMENT OR APPOINTMENT IS APPROPRIATE

10 (3) THIS SECTION DOES NOT APPLY TO A PERSON EMPLOYED BY OR  
11 APPOINTED TO A POSITION IN THE STATE DEPARTMENT PRIOR TO THE  
12 EFFECTIVE DATE OF THIS SECTION

13 (4) THE DIRECTOR SHALL NOT WAIVE THE PROHIBITION IN SUBSEC-  
14 TION (1) AS TO AN INDIVIDUAL WHO HAS BEEN CONVICTED OF 1 OR MORE  
15 OF THE FOLLOWING

16 (A) ASSAULT WITH INTENT TO COMMIT MURDER, IN VIOLATION OF  
17 SECTION 83 OF THE MICHIGAN PENAL CODE, ACT NO 328 OF THE PUBLIC  
18 ACTS OF 1931, BEING SECTION 750 83 OF THE MICHIGAN COMPILED  
19 LAWS

20 (B) ASSAULT WITH INTENT TO ROB AND STEAL IN VIOLATION OF  
21 SECTION 89 OF ACT NO 328 OF THE PUBLIC ACTS OF 1931 BEING SEC-  
22 TION 750 89 OF THE MICHIGAN COMPILED LAWS

23 (C) ATTEMPTED MURDER, IN VIOLATION OF SECTION 91 OF ACT  
24 NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 91 OF THE  
25 MICHIGAN COMPILED LAWS

1 (D) CHILD ABUSE IN THE FIRST OR SECOND DEGREE, IN VIOLATION  
2 OF SECTION 136B OF ACT NO 328 OF THE PUBLIC ACTS OF 1931 BEING  
3 SECTION 750 136B OF THE MICHIGAN COMPILED LAWS

4 (E) ACCOSTING, ENTICING, OR SOLICITING A CHILD FOR IMMORAL  
5 PURPOSES IN VIOLATION OF SECTION 145B OF ACT NO 328 OF THE  
6 PUBLIC ACTS OF 1931, BEING SECTION 750 145B OF THE MICHIGAN  
7 COMPILED LAWS

8 (F) A CHILD SEXUALLY ABUSIVE FELONY IN VIOLATION OF SECTION  
9 145C OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION  
10 750 145C OF THE MICHIGAN COMPILED LAWS

11 (G) SODOMY, IN VIOLATION OF SECTION 158 OF ACT NO 328 OF  
12 THE PUBLIC ACTS OF 1931, BEING SECTION 750 158 OF THE MICHIGAN  
13 COMPILED LAWS

14 (H) MURDER IN THE FIRST DEGREE, IN VIOLATION OF SECTION 316  
15 OF ACT NO 328 OF THE PUBLIC ACTS OF 1931 BEING SECTION 750 316  
16 OF THE MICHIGAN COMPILED LAWS

17 (I) MURDER IN THE SECOND DEGREE, IN VIOLATION OF SECTION 317  
18 OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 317  
19 OF THE MICHIGAN COMPILED LAWS

20 (J) GROSS INDECENCY BETWEEN MALES, IN VIOLATION OF SECTION  
21 338 OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION  
22 750 338 OF THE MICHIGAN COMPILED LAWS

23 (K) GROSS INDECENCY BETWEEN FEMALES, IN VIOLATION OF SECTION  
24 338A OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION  
25 750 338A OF THE MICHIGAN COMPILED LAWS

1       (1) GROSS INDECENCY BETWEEN MALES AND FEMALES, IN VIOLATION  
2 OF SECTION 338B OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING  
3 SECTION 750 338B OF THE MICHIGAN COMPILED LAWS

4       (M) KIDNAPPING, IN VIOLATION OF SECTION 349 OF ACT NO 328  
5 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 349 OF THE MICHIGAN  
6 COMPILED LAWS

7       (N) LEADING TAKING, CARRYING AWAY, DECOYING, OR ENTICING  
8 AWAY A CHILD IN VIOLATION OF SECTION 350 OF ACT NO 328 OF THE  
9 PUBLIC ACTS OF 1931, BEING SECTION 750 350 OF THE MICHIGAN  
10 COMPILED LAWS

11       (O) PANDERING, IN VIOLATION OF SECTION 455 OF ACT NO 328 OF  
12 THE PUBLIC ACTS OF 1931 BEING SECTION 750 455 OF THE MICHIGAN  
13 COMPILED LAWS

14       (P) CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, IN VIOLA-  
15 TION OF SECTION 520B OF ACT NO 328 OF THE PUBLIC ACTS OF 1931  
16 BEING SECTION 750 520B OF THE MICHIGAN COMPILED LAWS

17       (Q) CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE IN VIOLA-  
18 TION OF SECTION 520C OF ACT NO 328 OF THE PUBLIC ACTS OF 1931  
19 BEING SECTION 750 520C OF THE MICHIGAN COMPILED LAWS

20       (R) CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE IN VIOLA-  
21 TION OF SECTION 520D OF ACT NO 328 OF THE PUBLIC ACTS OF 1931,  
22 BEING SECTION 750 520D OF THE MICHIGAN COMPILED LAWS

23       (S) ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT,  
24 IN VIOLATION OF SECTION 520G OF ACT NO 328 OF THE PUBLIC ACTS OF  
25 1931, BEING SECTION 750 520G OF THE MICHIGAN COMPILED LAWS

1 (T) ARMED ROBBERY, IN VIOLATION OF SECTION 529 OF ACT  
2 NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 529 OF THE  
3 MICHIGAN COMPILED LAWS