



SENATE BILL No. 166

January 31, 1995, Introduced by Senator SHUGARS and referred to the Committee on Families, Mental Health and Human Services.

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 1d.

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 1d to read as
4 follows:

5 SEC. 1D. (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
9 LIMITED TO, POSITIONS DEALING WITH ABUSE, NEGLECT, DETENTION,

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

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

23 (A) THE DATE OF FINAL RELEASE FROM INCARCERATION, THE DATE
24 OF FINAL RELEASE FROM PROBATION, OR THE DATE OF FINAL RELEASE
25 FROM PAROLE, WHICHEVER IS LATER, OCCURRED NOT LESS THAN 5 YEARS
26 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 ~~OF THE MICHIGAN COMPILED LAWS.~~ 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 (I) 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.