

NOTICE OF INVESTIGATION

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1253

Sponsor: Sen. Bill Hardiman

House Committee: Families and Human Services

Senate Committee: Family and Children Services

Complete to 12-11-06

A SUMMARY OF SENATE BILL 1253 AS PASSED BY THE SENATE 9-20-06

The bill would amend the Child Care Licensing Act (MCL 722.111 et al.). It would require a child care organization that has been notified that a special investigation is being conducted classified by Department of Human Services as high risk to make a good faith effort to give oral notification to each parent or legal guardian of the children under the organization's care at the site and at the time of the incident being investigated. If the individual being investigated is still present at the child care organization at the time of the investigation, the organization would have to notify the parent or guardian of children who have or will come into contact with that individual as long as the individual is present at the organization. Within one business day after the initial good faith attempt at oral notification, the child care organization would have to send written notification by mail service, facsimile transmission, or electronic mail.

If the department determined that a child care organization was not complying with either notification requirement, it could suspend the organization's license pending review.

If the department determined after completing the special investigation that there were no substantiated rule violations, it would have to give written notification of that determination to the child care organization, which it could share with parents and guardians, and the department would have to make the information available to the public on the its website.

The bill would not apply to a child care organization that is a child caring institution, child placing agency, foster family home, or foster family group home.

The bill would also establish criminal penalties for intentionally making a false report that caused the DHS to conduct a special investigation requiring notification under the bill. If the incident reported would not constitute a crime or would constitute a misdemeanor if true, the offense would be a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$100. If the incident reported would constitute a felony if true, the offense would be a felony punishable by the lesser of (1) the penalty for the incident falsely reported, or (2) imprisonment for up to four years and/or a fine of up to \$2,000.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and local units of government. There are no data to indicate how many offenders might be affected by the bill. To the extent that there was an increase in the numbers of misdemeanor convictions, local costs of jail incarceration or misdemeanor probation supervision could increase. To the extent that there was an increase in felony convictions, state or local correctional costs could increase. The state could incur additional costs of prison incarceration, which averages about \$30,000 per prisoner per day, or felony probation supervision; the average cost of parole and probation supervision is about \$2,000 per offender per day. Counties could incur additional costs for any jail sentences imposed. To the extent that collections of penal fine revenues increased, the bills could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

Legislative Analyst: E. Best
Fiscal Analyst: Marilyn Peterson

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