



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1253 (Substitute S-1 as reported)
Sponsor: Senator Bill Hardiman
Committee: Families and Human Services

CONTENT

The bill would amend the child care licensing Act to require a child care organization, within 24 hours of receiving notice that the Department of Human Services (DHS) was conducting a high-risk special investigation, to make a good faith effort to give oral notification to each parent or legal guardian of the children who were under the organization's care at the site and at the time of the incident being investigated, and, if the individual being investigated were still present at the child care organization at the time of the investigation, the parent or guardian of children who had or would come into contact with that individual for as long as he or she was 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 DHS determined that a child care organization was not complying with either notification requirement, the DHS could suspend the organization's license, pending review. If it determined that there were no substantiated rule violations, the DHS would have to give notice of that determination to the child care organization, which could share the notice with parents and guardians.

The bill also would establish criminal penalties for 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 penalty for the incident falsely reported, or imprisonment for up to four years and/or a maximum fine of \$2,000, whichever was less.

Proposed MCL 722.113f & 722.115g

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The DHS Office of Children and Adult Licensing could incur additional administrative costs to notify child care organizations of its determinations and engage in license suspensions. It is unknown how many organizations would be affected.

There are no data to indicate how many offenders would be convicted of the proposed offense. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an average annual cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 9-14-06

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