

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4930

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1230d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 1230D. (1) IF A PERSON WHO IS EMPLOYED IN ANY CAPACITY BY  
2        A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
3        ACADEMY, OR NONPUBLIC SCHOOL; WHO HAS APPLIED FOR A POSITION WITH A  
4        SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
5        ACADEMY, OR NONPUBLIC SCHOOL AND HAS HAD AN INITIAL CRIMINAL  
6        HISTORY CHECK UNDER SECTION 1230 OR CRIMINAL RECORDS CHECK UNDER  
7        SECTION 1230A; OR WHO IS REGULARLY AND CONTINUOUSLY WORKING UNDER  
8        CONTRACT IN A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC  
9        SCHOOL ACADEMY, OR NONPUBLIC SCHOOL, IS CHARGED WITH A CRIME LISTED

1 IN SECTION 1535A(1) OR A VIOLATION OF A SUBSTANTIALLY SIMILAR LAW  
2 OF ANOTHER STATE, A POLITICAL SUBDIVISION OF THIS STATE OR ANOTHER  
3 STATE, OR OF THE UNITED STATES, THE PERSON SHALL REPORT TO THE  
4 DEPARTMENT AND TO THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
5 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL THAT HE OR SHE  
6 HAS BEEN CHARGED WITH THE CRIME. ALL OF THE FOLLOWING APPLY TO THIS  
7 REPORTING REQUIREMENT:

8 (A) THE PERSON SHALL MAKE THE REPORT ON A FORM PRESCRIBED BY  
9 THE DEPARTMENT.

10 (B) THE PERSON SHALL SUBMIT THE REPORT TO THE DEPARTMENT AND  
11 TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
12 DISTRICT OR CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY OR  
13 NONPUBLIC SCHOOL.

14 (C) THE PERSON SHALL SUBMIT THE REPORT WITHIN 3 BUSINESS DAYS  
15 AFTER BEING ARRAIGNED FOR THE CRIME.

16 (2) IF A PERSON WHO IS EMPLOYED IN ANY CAPACITY BY OR IS  
17 REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT IN A SCHOOL  
18 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR  
19 NONPUBLIC SCHOOL ENTERS A PLEA OF GUILT OR NO CONTEST TO OR IS THE  
20 SUBJECT OF A FINDING OF GUILT BY A JUDGE OR JURY OF ANY CRIME AFTER  
21 HAVING BEEN INITIALLY CHARGED WITH A CRIME DESCRIBED IN SECTION  
22 1535A(1) OR 1539B(1), THEN THE PERSON IMMEDIATELY SHALL DISCLOSE TO  
23 THE COURT, ON A FORM PRESCRIBED BY THE STATE COURT ADMINISTRATIVE  
24 OFFICE, THAT HE OR SHE IS EMPLOYED BY OR WORKING UNDER CONTRACT IN  
25 A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
26 ACADEMY, OR NONPUBLIC SCHOOL. THE PERSON SHALL IMMEDIATELY PROVIDE  
27 A COPY OF THE FORM TO THE PROSECUTING ATTORNEY IN CHARGE OF THE

1 CASE, TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND TO THE  
2 SUPERINTENDENT OR CHIEF ADMINISTRATOR OF THE SCHOOL DISTRICT,  
3 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
4 SCHOOL.

5 (3) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF A  
6 CRIME, AS FOLLOWS:

7 (A) IF THE PERSON VIOLATES EITHER SUBSECTION (1) OR (2) AND  
8 THE CRIME INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS A  
9 LISTED OFFENSE OR IS A FELONY, THE PERSON IS GUILTY OF A FELONY  
10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF  
11 NOT MORE THAN \$2,000.00, OR BOTH.

12 (B) IF THE PERSON VIOLATES EITHER SUBSECTION (1) OR (2) AND  
13 THE CRIME INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS NOT A  
14 LISTED OFFENSE, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
15 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN  
16 \$1,000.00, OR BOTH.

17 (4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) MAY BE  
18 DISCHARGED FROM HIS OR HER EMPLOYMENT OR HAVE HIS OR HER CONTRACT  
19 TERMINATED. IF THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE  
20 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY  
21 FINDS, AFTER PROVIDING NOTICE AND THE OPPORTUNITY FOR A HEARING,  
22 THAT A PERSON EMPLOYED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
23 DISTRICT, OR PUBLIC SCHOOL ACADEMY HAS VIOLATED SUBSECTION (1) OR  
24 (2), THE BOARD OR BOARD OF DIRECTORS MAY DISCHARGE THE PERSON FROM  
25 HIS OR HER EMPLOYMENT. HOWEVER, IF A COLLECTIVE BARGAINING  
26 AGREEMENT THAT APPLIES TO THE AFFECTED PERSON IS IN EFFECT AS OF  
27 THE EFFECTIVE DATE OF THIS SECTION, AND IF THAT COLLECTIVE

1 BARGAINING AGREEMENT IS NOT IN COMPLIANCE WITH THIS SUBSECTION,  
2 THEN THIS SUBSECTION DOES NOT APPLY TO THAT SCHOOL DISTRICT,  
3 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNTIL AFTER  
4 THE EXPIRATION OF THAT COLLECTIVE BARGAINING AGREEMENT.

5 (5) IF A PERSON SUBMITS A REPORT THAT HE OR SHE HAS BEEN  
6 CHARGED WITH A CRIME, AS REQUIRED UNDER SUBSECTION (1), AND THE  
7 PERSON IS SUBSEQUENTLY NOT CONVICTED OF ANY CRIME AFTER THE  
8 COMPLETION OF JUDICIAL PROCEEDINGS RESULTING FROM THAT CHARGE, THEN  
9 THE PERSON MAY REQUEST THE DEPARTMENT AND THE SCHOOL DISTRICT,  
10 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
11 SCHOOL TO DELETE THE REPORT FROM ITS RECORDS CONCERNING THE PERSON.  
12 UPON RECEIPT OF THE REQUEST FROM THE PERSON AND OF DOCUMENTATION  
13 VERIFYING THAT THE PERSON WAS NOT CONVICTED OF ANY CRIME AFTER THE  
14 COMPLETION OF JUDICIAL PROCEEDINGS RESULTING FROM THAT CHARGE, THE  
15 DEPARTMENT OR A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
16 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL DELETE THE REPORT  
17 FROM ITS RECORDS CONCERNING THE PERSON.

18 (6) IF THE PROSECUTING ATTORNEY IN CHARGE OF A CASE RECEIVES A  
19 FORM AS PROVIDED UNDER SUBSECTION (2), THE PROSECUTING ATTORNEY  
20 SHALL NOTIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE  
21 SUPERINTENDENT OR CHIEF ADMINISTRATOR OF ANY SCHOOL DISTRICT,  
22 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
23 SCHOOL IN WHICH THE PERSON IS EMPLOYED BY FORWARDING A COPY OF THE  
24 FORM TO EACH OF THEM NOT LATER THAN 7 DAYS AFTER RECEIVING THE  
25 FORM. IF THE COURT RECEIVES A FORM AS PROVIDED UNDER SUBSECTION  
26 (2), THE COURT SHALL NOTIFY THE SUPERINTENDENT OF PUBLIC  
27 INSTRUCTION AND THE SUPERINTENDENT OR CHIEF ADMINISTRATOR OF ANY

House Bill No. 4930 (S-1) as amended September 13, 2005

1 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
2 ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON IS EMPLOYED BY  
3 FORWARDING TO EACH OF THEM A COPY OF THE FORM AND INFORMATION  
4 REGARDING THE SENTENCE IMPOSED ON THE PERSON NOT LATER THAN 7 DAYS  
5 AFTER THE DATE OF SENTENCING, EVEN IF THE COURT IS MAINTAINING THE  
6 FILE AS A NONPUBLIC RECORD.

7 [(7) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH THE  
8 DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN  
9 AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT'S LIST OF  
10 REGISTERED EDUCATIONAL PERSONNEL WITH THE CONVICTION INFORMATION RECEIVED  
11 BY THE DEPARTMENT OF STATE POLICE. UNLESS OTHERWISE PROHIBITED BY LAW,  
12 THIS COMPARISON SHALL INCLUDE CONVICTIONS CONTAINED IN A NONPUBLIC  
13 RECORD. THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE SHALL PERFORM  
14 THIS COMPARISON DURING JANUARY AND JUNE OF EACH YEAR UNTIL JULY 1, 2008.  
15 IF A COMPARISON DISCLOSES THAT A PERSON ON THE DEPARTMENT'S LIST OF  
16 REGISTERED EDUCATIONAL PERSONNEL HAS BEEN CONVICTED OF A CRIME, THE  
17 DEPARTMENT SHALL NOTIFY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE  
18 BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
19 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON  
20 IS EMPLOYED OF THAT CONVICTION.]

21 (8) AS USED IN THIS SECTION, "LISTED OFFENSE" MEANS THAT TERM  
22 AS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, 1994  
23 PA 295, MCL 28.722.

24 Enacting section 1. This amendatory act takes effect January  
25 1, 2006.

26 Enacting section 2. This amendatory act does not take effect  
27 unless all of the following bills of the 93rd Legislature are

1 enacted into law:

2 (a) Senate Bill No. 601.

3 (b) Senate Bill No. 609.

4 (c) Senate Bill No. 611.

5 (d) House Bill No. 4402.

6 (e) House Bill No. 4928.

7 (f) House Bill No. 4991.