

**SUBSTITUTE FOR  
SENATE BILL NO. 612**

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 (2) OR A VIOLATION OF A SUBSTANTIALLY  
2 SIMILAR LAW OF ANOTHER STATE, A POLITICAL SUBDIVISION OF THIS STATE  
3 OR ANOTHER STATE, OR OF THE UNITED STATES, THE PERSON SHALL REPORT  
4 TO THE 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 1 BUSINESS DAY  
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 (2) OR 1539B(1) OR (2), THEN THE PERSON IMMEDIATELY  
23 SHALL DISCLOSE TO THE COURT, ON A FORM PRESCRIBED BY THE STATE  
24 COURT ADMINISTRATIVE OFFICE, THAT HE OR SHE IS EMPLOYED BY OR  
25 WORKING UNDER CONTRACT IN A SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
26 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. THE PERSON  
27 SHALL IMMEDIATELY PROVIDE A COPY OF THE FORM TO THE PROSECUTING

1 ATTORNEY IN CHARGE OF THE CASE, TO THE SUPERINTENDENT OF PUBLIC  
2 INSTRUCTION, AND TO THE SUPERINTENDENT OR CHIEF ADMINISTRATOR OF  
3 THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL  
4 ACADEMY, OR NONPUBLIC 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 FELONY, THE PERSON IS  
9 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2  
10 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

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

15 (4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS SUBJECT TO  
16 DISCHARGE FROM HIS OR HER EMPLOYMENT OR TERMINATION OF HIS OR HER  
17 CONTRACT. IF THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
18 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY FINDS,  
19 AFTER PROVIDING NOTICE AND THE OPPORTUNITY FOR A HEARING, THAT A  
20 PERSON EMPLOYED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
21 DISTRICT, OR PUBLIC SCHOOL ACADEMY HAS VIOLATED THIS SECTION, THE  
22 BOARD OR BOARD OF DIRECTORS MAY DISCHARGE THE PERSON FROM HIS OR  
23 HER EMPLOYMENT. HOWEVER, IF A COLLECTIVE BARGAINING AGREEMENT THAT  
24 APPLIES TO THE AFFECTED PERSON IS IN EFFECT AS OF THE EFFECTIVE  
25 DATE OF THIS SECTION, AND IF THAT COLLECTIVE BARGAINING AGREEMENT  
26 IS NOT IN COMPLIANCE WITH THIS SUBSECTION, THEN THIS SUBSECTION  
27 DOES NOT APPLY TO THAT SCHOOL DISTRICT, INTERMEDIATE SCHOOL

1 DISTRICT, OR PUBLIC SCHOOL ACADEMY UNTIL AFTER THE EXPIRATION OF  
2 THAT COLLECTIVE BARGAINING AGREEMENT.

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

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

1 REGARDING THE SENTENCE IMPOSED ON THE PERSON NOT LATER THAN 7 DAYS  
2 AFTER THE DATE OF SENTENCING, EVEN IF THE COURT IS MAINTAINING THE  
3 FILE AS A NONPUBLIC RECORD.

4 (7) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH  
5 THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND  
6 IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A QUARTERLY COMPARISON OF  
7 THE DEPARTMENT'S LIST OF REGISTERED EDUCATIONAL PERSONNEL WITH THE  
8 CONVICTION INFORMATION RECEIVED BY THE DEPARTMENT OF STATE POLICE,  
9 INCLUDING CONVICTIONS CONTAINED IN A NONPUBLIC RECORD. AFTER  
10 IMPLEMENTATION OF THIS PROGRAM, IF THE QUARTERLY COMPARISON  
11 DISCLOSES THAT A PERSON ON THE DEPARTMENT'S LIST OF REGISTERED  
12 EDUCATIONAL PERSONNEL HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT  
13 OF STATE POLICE SHALL NOTIFY THE SUPERINTENDENT OR CHIEF  
14 ADMINISTRATOR OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
15 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON IS  
16 EMPLOYED OF THAT CONVICTION.

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

20 Enacting section 1. This amendatory act takes effect October  
21 15, 2005.

22 Enacting section 2. This amendatory act does not take effect  
23 unless all of the following bills of the 93rd Legislature are  
24 enacted into law:

25 (a) Senate Bill No. 601.

26 (b) Senate Bill No. 609.

27 (c) Senate Bill No. 610.

1 (d) Senate Bill No. 611.