

HOUSE BILL No. 4930

June 14, 2005, Introduced by Rep. Elsenheimer and referred to the Committee on Education.

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, OR WHO IS REGULARLY AND CONTINUOUSLY
4 WORKING UNDER CONTRACT IN A SCHOOL DISTRICT, INTERMEDIATE SCHOOL
5 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL, IS CHARGED
6 WITH A CRIME LISTED IN SECTION 1535A(1) OR A SUBSTANTIALLY SIMILAR
7 CRIME IN ANOTHER JURISDICTION, THE PERSON SHALL REPORT TO THE
8 DEPARTMENT AND TO THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL

1 DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL THAT HE OR SHE
2 HAS BEEN CHARGED WITH THE CRIME.

3 (2) IF A PERSON WHO IS EMPLOYED BY OR IS REGULARLY AND
4 CONTINUOUSLY WORKING UNDER CONTRACT IN A SCHOOL DISTRICT,
5 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC
6 SCHOOL AS A TEACHER OR IN A POSITION REQUIRING STATE BOARD APPROVAL
7 ENTERS A PLEA OF GUILT OR NO CONTEST TO OR IS THE SUBJECT OF A
8 FINDING OF GUILT BY A JUDGE OR JURY OF A CRIME DESCRIBED IN SECTION
9 1535A(1) OR 1439B(1), THEN THE PERSON IMMEDIATELY SHALL DISCLOSE TO
10 THE COURT, ON A FORM PRESCRIBED BY THE STATE COURT ADMINISTRATIVE
11 OFFICE, THAT HE OR SHE IS EMPLOYED BY A SCHOOL DISTRICT,
12 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC
13 SCHOOL AS A TEACHER OR IN A POSITION REQUIRING STATE BOARD
14 APPROVAL. THE PERSON SHALL IMMEDIATELY PROVIDE A COPY OF THE FORM
15 TO THE PROSECUTING ATTORNEY IN CHARGE OF THE CASE, TO THE
16 SUPERINTENDENT OF PUBLIC INSTRUCTION, AND TO THE SCHOOL DISTRICT,
17 INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC
18 SCHOOL.

19 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME,
20 AS FOLLOWS:

21 (A) IF THE PERSON VIOLATES EITHER SUBSECTION (1) OR (2) AND
22 THE CRIME INVOLVED IN THE VIOLATION IS A LISTED OFFENSE, THE PERSON
23 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
24 2 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

25 (B) IF THE PERSON VIOLATES EITHER SUBSECTION (1) OR (2) AND
26 THE CRIME INVOLVED IN THE VIOLATION IS A CRIME OTHER THAN A LISTED
27 OFFENSE, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY

1 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
2 \$1,000.00, OR BOTH.

3 (4) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO DISCHARGE
4 FROM HIS OR HER EMPLOYMENT. IF THE BOARD OF A SCHOOL DISTRICT OR
5 INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC
6 SCHOOL ACADEMY FINDS, AFTER PROVIDING NOTICE AND THE OPPORTUNITY
7 FOR A HEARING, THAT A PERSON EMPLOYED BY THE SCHOOL DISTRICT,
8 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY HAS VIOLATED
9 THIS SECTION, THE BOARD OR BOARD OF DIRECTORS MAY DISCHARGE THE
10 PERSON FROM HIS OR HER EMPLOYMENT. HOWEVER, IF A COLLECTIVE
11 BARGAINING AGREEMENT IS IN EFFECT AS OF THE EFFECTIVE DATE OF THIS
12 SECTION FOR EMPLOYEES OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL
13 DISTRICT, OR PUBLIC SCHOOL ACADEMY, AND IF THAT COLLECTIVE
14 BARGAINING AGREEMENT IS NOT IN COMPLIANCE WITH THIS SUBSECTION,
15 THEN THIS SUBSECTION DOES NOT APPLY TO THAT SCHOOL DISTRICT,
16 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNTIL AFTER
17 THE EXPIRATION OF THAT COLLECTIVE BARGAINING AGREEMENT.

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

21 Enacting section 1. This amendatory act does not take effect
22 unless all of the following bills of the 93rd Legislature are
23 enacted into law:

24 (a) Senate Bill No.____ or House Bill No.____ (request no.
25 03526'05).

26 (b) Senate Bill No.____ or House Bill No. 4929(request no.
27 03530'05).

1 (c) Senate Bill No.____ or House Bill No. 4928(request no.
2 03634'05).