

# Legislative Analysis

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## NOTICE OF INVESTIGATION

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**Senate Bill 97 (Substitute H-1)**

**Sponsor: Sen. Bill Hardiman**

**House Committee: Families and Children's Services**

**Senate Committee: Families and Human Services**

**Complete to 2-5-08**

## A SUMMARY OF SENATE BILL 97 AS REPORTED FROM HOUSE COMMITTEE

The bill would amend the Child Care Licensing Act (MCL 722.111 et al.) by adding sections 3f and 5l to require a child care organization that has been notified that a high-risk special investigation is being conducted by the Department of Human Services 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. 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.

A high-risk special investigation would be one where the department becomes aware that one of the following conditions exists: (1) abuse or neglect is the suspected cause of a child's death; (2) the child is the victim of suspected sexual abuse or sexual exploitation; or (3) abuse or neglect resulting in severe physical injury to the child.

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 appear to apply to child care centers, children's camps, day care centers, day care homes, nursery schools, and parent cooperative preschools.)

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 \$5,000.

#### **FISCAL IMPACT:**

The bill 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 or felony probation supervision. The average appropriated cost of incarceration in a state prison is about \$32,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. The average cost of parole and probation supervision is about \$2,000 per year. 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.

#### **POSITIONS:**

The Department of Human Services supports the bill. (1-30-08)

YMCA State Alliance of Michigan testified in support the bill. (1-30-08)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.