

HOUSE BILL No. 4477

March 20, 2007, Introduced by Rep. Schuitmaker and referred to the Committee on Families and Children's Services.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending sections 5 and 5e (MCL 722.115 and 722.115e), section 5 as amended by 2006 PA 580 and section 5e as added by 2005 PA 133, and by adding sections 5h and 5i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5. (1) A person, partnership, firm, corporation,
- 2 association, or nongovernmental organization shall not establish or
- 3 maintain a child care organization unless licensed or registered by
- 4 the department. Application for a license or certificate of

1 registration shall be made on forms provided, and in the manner
2 prescribed, by the department. Before issuing or renewing a
3 license, the department shall investigate the applicant's
4 activities and proposed standards of care and shall make an on-site
5 visit of the proposed or established organization. If the
6 department is satisfied as to the need for a child care
7 organization, its financial stability, the applicant's good moral
8 character, and that the services and facilities are conducive to
9 the welfare of the children, the department shall issue or renew
10 the license. If a county juvenile agency as defined in section 2 of
11 the county juvenile agency act, 1998 PA 518, MCL 45.622, certifies
12 to the department that it intends to contract with an applicant for
13 a new license, the department shall issue or deny the license
14 within 60 days after it receives a complete application as provided
15 in section 5b.

16 (2) The department shall issue a certificate of registration
17 to a person who has successfully completed an orientation session
18 offered by the department and who certifies to the department that
19 the family day care home has complied with and will continue to
20 comply with the rules promulgated under this act and will provide
21 services and facilities, as determined by the department, conducive
22 to the welfare of children. The department shall make available to
23 applicants for registration an orientation session ~~to applicants~~
24 ~~for registration~~ regarding this act, the rules promulgated under
25 this act, and the needs of children in family day care before
26 issuing a certificate of registration. The department shall issue a
27 certificate of registration to a specific person at a specific

1 location. A certificate of registration is nontransferable and
2 remains the property of the department. Within 90 days after
3 initial registration, the department shall make an on-site visit of
4 the family day care home.

5 (3) The department may authorize a licensed child placing
6 agency or an approved governmental unit to investigate a foster
7 family home or a foster family group home according to subsection
8 (1) and to certify that the foster family home or foster family
9 group home meets the licensing requirements prescribed by this act.
10 Before certifying to the department that a foster family home or
11 foster family group home meets the licensing requirements
12 prescribed by this act, the licensed child placing agency or
13 approved governmental unit shall receive and review a medical
14 statement for each member of the household indicating that he or
15 she does not have a known condition that would affect the care of a
16 foster child. The medical statement required under this section
17 shall be signed and dated by a physician licensed under article 15
18 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,
19 a physician's assistant licensed under article 15 of the public
20 health code, 1978 PA 368, MCL 333.16101 to 333.18838, or a
21 certified nurse practitioner licensed as a registered professional
22 nurse under part 172 of the public health code, 1978 PA 368, MCL
23 333.17201 to 333.17242, who has been issued a specialty
24 certification as a nurse practitioner by the board of nursing under
25 section 17210 of the public health code, 1978 PA 368, MCL
26 333.17210, within the 12 months immediately preceding the date of
27 the initial evaluation. This subsection does not require new or

1 additional third party reimbursement or worker's compensation
2 benefits for services rendered. A foster family home or a foster
3 family group home shall be certified for licensing by the
4 department by only 1 child placing agency or approved governmental
5 unit. Other child placing agencies may place children in a foster
6 family home or foster family group home only upon the approval of
7 the certifying agency or governmental unit.

8 (4) The department may authorize a licensed child placing
9 agency or an approved governmental unit to place a child who is 16
10 or 17 years of age in his or her own unlicensed residence, or in
11 the unlicensed residence of an adult who has no supervisory
12 responsibility for the child, if a child placing agency or
13 governmental unit retains supervisory responsibility for the child.

14 (5) A licensed child placing agency, child caring institution,
15 and an approved governmental unit shall provide the state court
16 administrative office and a local foster care review board
17 established under 1984 PA 422, MCL 722.131 to 722.139a, those
18 records requested pertaining to children in foster care placement
19 for more than 6 months.

20 (6) The department may authorize a licensed child placing
21 agency or an approved governmental unit to place a child who is 16
22 or 17 years old in an adult foster care family home or an adult
23 foster care small group home licensed under the adult foster care
24 facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, if a
25 licensed child placing agency or approved governmental unit retains
26 supervisory responsibility for the child and certifies to the
27 department all of the following:

1 (a) The placement is in the best interests of the child.

2 (b) The child's needs can be adequately met by the adult
3 foster care family home or small group home.

4 (c) The child will be compatible with other residents of the
5 adult foster care family home or small group home.

6 (d) The child placing agency or approved governmental unit
7 will periodically reevaluate the placement of a child under this
8 subsection to determine that the criteria for placement in
9 subdivisions (a) through (c) continue to be met.

10 (7) On an exception basis, the director of the department, or
11 his or her designee, may authorize a licensed child placing agency
12 or an approved governmental unit to place an adult in a foster
13 family home if a licensed child placing agency or approved
14 governmental unit certifies to the department all of the following:

15 (a) The adult is a person with a developmental disability as
16 defined by section 100a of the mental health code, 1974 PA 258, MCL
17 330.1100a, or a person who is otherwise neurologically disabled and
18 is also physically limited to a degree that requires complete
19 physical assistance with mobility and activities of daily living.

20 (b) The placement is in the best interests of the adult and
21 will not adversely affect the interests of the foster child or
22 children residing in the foster family home.

23 (c) The identified needs of the adult can be met by the foster
24 family home.

25 (d) The adult will be compatible with other residents of the
26 foster family home.

27 (e) The child placing agency or approved governmental unit

1 will periodically reevaluate the placement of an adult under this
2 subsection to determine that the criteria for placement in
3 subdivisions (a) through (d) continue to be met and document that
4 the adult is receiving care consistent with the administrative
5 rules for a child placing agency.

6 (8) On an exception basis, the director of the department, or
7 his or her designee, may authorize a licensed child placing agency
8 or an approved governmental unit to place a child in an adult
9 foster care family home or an adult foster care small group home
10 licensed under the adult foster care **FACILITY** licensing act, 1979
11 PA 218, MCL 400.701 to 400.737, if the licensed child placing
12 agency or approved governmental unit certifies to the department
13 all of the following:

14 (a) The placement is in the best interests of the child.

15 (b) The placement has the concurrence of the parent or
16 guardian of the child.

17 (c) The identified needs of the child can be met adequately by
18 the adult foster care family home or small group home.

19 (d) The child's psychosocial and clinical needs are compatible
20 with those of other residents of the adult foster care family home
21 or small group home.

22 (e) The clinical treatment of the child's condition is similar
23 to that of the other residents of the adult foster care family home
24 or small group home.

25 (f) The child's cognitive level is consistent with the
26 cognitive level of the other residents of the adult foster care
27 family home or small group home.

1 (g) The child is neurologically disabled and is also
2 physically limited to such a degree as to require complete physical
3 assistance with mobility and activities of daily living.

4 (h) The child placing agency or approved governmental unit
5 will periodically reevaluate the placement of a child under this
6 subsection to determine that the criteria for placement in
7 subdivisions (a) to (g) continue to be met.

8 (9) Beginning October 1, 2007, except as provided in
9 subsection (1) and section 5b, the department shall issue an
10 initial or renewal license or registration under this act for child
11 care centers, group day care homes, and family day care homes not
12 later than 6 months after the applicant files a completed
13 application. Receipt of the application is considered the date the
14 application is received by any agency or department of this state.
15 If the application is considered incomplete by the department, the
16 department shall notify the applicant in writing or make notice
17 electronically available within 30 days after receipt of the
18 incomplete application, describing the deficiency and requesting
19 additional information. This subsection does not affect the time
20 period within which an on-site visit to a family day care home
21 shall be made. If the department identifies a deficiency or
22 requires the fulfillment of a corrective action plan, the 6-month
23 period is tolled until either of the following occurs:

24 (a) Upon notification by the department of a deficiency, until
25 the date the requested information is received by the department.

26 (b) Upon notification by the department that a corrective
27 action plan is required, until the date the department determines

1 the requirements of the corrective action plan have been met.

2 (10) The determination of the completeness of an application
3 is not an approval of the application for the license and does not
4 confer eligibility on an applicant determined otherwise ineligible
5 for issuance of a license.

6 (11) Except as provided in subsection (1) and section 5b, if
7 the department fails to issue or deny a license or registration to
8 a child care center, group day care home, or family day care home
9 within the time required by this section, the department shall
10 return the license or registration fee and shall reduce the license
11 or registration fee for the applicant's next renewal application,
12 if any, by 15%. Failure to issue or deny a license to a child care
13 center, group day care home, or family day care home within the
14 time period required under this section does not allow the
15 department to otherwise delay the processing of the application. A
16 completed application shall be placed in sequence with other
17 completed applications received at that same time. The department
18 shall not discriminate against an applicant in the processing of an
19 application based on the fact that the application fee was refunded
20 or discounted under this subsection.

21 (12) If, on a continual basis, inspections performed by a
22 local health department delay the department in issuing or denying
23 licenses or registrations for child care centers, group day care
24 homes, and family day care homes under this act within the 6-month
25 period, the department may use department staff to complete the
26 inspections instead of the local health department causing the
27 delays.

1 (13) Beginning October 1, 2008, the director of the department
2 shall submit a report by December 1 of each year to the standing
3 committees and appropriations subcommittees of the senate and house
4 of representatives concerned with human services and children's
5 issues. The director shall include all of the following information
6 regarding applications for licenses and registrations only for
7 child care centers, group day care homes, and family day care homes
8 filed under this act in the report concerning the preceding fiscal
9 year:

10 (a) The number of initial and renewal applications the
11 department received and completed within the 6-month time period
12 described in subsection (9).

13 (b) The number of applications requiring a request for
14 additional information.

15 (c) The number of applications rejected.

16 (d) The number of licenses and registrations not issued within
17 the 6-month period.

18 (e) The average processing time for initial and renewal
19 licenses and registrations granted after the 6-month period.

20 (14) Except as provided in section 5c(8), the department shall
21 not issue to or renew the license of a child care center or day
22 care center under this act without requesting a criminal history
23 check and criminal records check as required by section 5c. If a
24 criminal history check or criminal records check performed under
25 section 5c reveals that an applicant for a license under this act
26 has been convicted of a listed offense, the department shall not
27 issue a license to that applicant. If a criminal history check or

1 criminal records check performed under section 5c reveals that an
2 applicant for renewal of a license under this act has been
3 convicted of a listed offense, the department shall not renew that
4 license. If a criminal history check or criminal records check
5 performed under section 5c reveals that a current licensee has been
6 convicted of a listed offense, the department shall revoke the
7 license of that licensee.

8 (15) Except as provided in section 5f(13), the department
9 shall not issue or renew a certificate of registration to a family
10 day care home or a license to a group day care home under this act
11 without requesting a criminal history check and criminal records
12 check as required by section 5f and a department of state police
13 ICHAT check required by section 5g. If a criminal history check or
14 criminal records check performed under section 5f or an ICHAT check
15 performed under section 5g reveals that an applicant for a
16 certificate of registration or license under this act or a person
17 over 18 years of age residing in that applicant's home has been
18 convicted of a listed offense, the department shall not issue a
19 certificate of registration or license to that applicant. If a
20 criminal history check or criminal records check performed under
21 section 5f or an ICHAT check performed under section 5g reveals
22 that an applicant for renewal of a certificate of registration or
23 license under this act or a person over 18 years of age residing in
24 that applicant's home has been convicted of a listed offense, the
25 department shall not renew a certificate of registration or license
26 to that applicant. If a criminal history check or criminal records
27 check performed under section 5f or an ICHAT check performed under

1 section 5g reveals that a current registrant or licensee under this
2 act or a person over 18 years of age residing in that registrant's
3 or licensee's home has been convicted of a listed offense, the
4 department shall revoke that registrant's certificate of
5 registration or licensee's license.

6 (16) EXCEPT AS PROVIDED IN SECTION 5H(13), THE DEPARTMENT
7 SHALL NOT ISSUE OR RENEW A LICENSE TO A FOSTER FAMILY HOME OR
8 FOSTER FAMILY GROUP HOME UNDER THIS ACT WITHOUT REQUESTING A
9 CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK AS REQUIRED BY
10 SECTION 5H AND A DEPARTMENT OF STATE POLICE ICHAT CHECK REQUIRED BY
11 SECTION 5I. IF A CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK
12 PERFORMED UNDER SECTION 5H OR AN ICHAT CHECK PERFORMED UNDER
13 SECTION 5I REVEALS THAT AN APPLICANT FOR A LICENSE UNDER THIS ACT
14 OR A PERSON OVER 18 YEARS OF AGE RESIDING IN THAT APPLICANT'S HOME
15 HAS BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL NOT
16 ISSUE A LICENSE TO THAT APPLICANT. IF A CRIMINAL HISTORY CHECK OR
17 CRIMINAL RECORDS CHECK PERFORMED UNDER SECTION 5H OR AN ICHAT CHECK
18 PERFORMED UNDER SECTION 5I REVEALS THAT AN APPLICANT FOR RENEWAL OF
19 A LICENSE UNDER THIS ACT OR A PERSON OVER 18 YEARS OF AGE RESIDING
20 IN THAT APPLICANT'S HOME HAS BEEN CONVICTED OF A LISTED OFFENSE,
21 THE DEPARTMENT SHALL NOT RENEW THE LICENSE OF THAT APPLICANT. IF A
22 CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK PERFORMED UNDER
23 SECTION 5H OR AN ICHAT CHECK PERFORMED UNDER SECTION 5I REVEALS
24 THAT A LICENSEE OF A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME
25 CURRENTLY LICENSED UNDER THIS ACT OR A PERSON OVER 18 YEARS OF AGE
26 RESIDING IN THAT FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME HAS
27 BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL REVOKE

1 **THAT LICENSEE'S LICENSE.**

2 (17) ~~(16)~~—As used in this section:

3 (a) "Completed application" means an application complete on
4 its face and submitted with any applicable licensing or
5 registration fees as well as any other information, records,
6 approval, security, or similar item required by law or rule from a
7 local unit of government, a federal agency, or a private entity but
8 not from another department or agency of this state. A completed
9 application does not include a health inspection performed by a
10 local health department.

11 (b) "Good moral character" means that term as defined in and
12 determined under 1974 PA 381, MCL 338.41 to 338.47.

13 (c) "Member of the household" means any individual, other than
14 a foster child, who resides in a foster family home or foster
15 family group home on an ongoing or recurrent basis.

16 Sec. 5e. (1) A child care center, ~~or~~ day care center, **FOSTER**
17 **FAMILY HOME, OR FOSTER FAMILY GROUP HOME** licensee shall report to
18 the department and an employee of a child care center or day care
19 center shall report to that child care center or day care center
20 within 3 business days after he or she has been arraigned for 1 or
21 more of the following crimes:

22 (a) Any felony.

23 (b) Any of the following misdemeanors:

24 (i) Criminal sexual conduct in the fourth degree or an attempt
25 to commit criminal sexual conduct in the fourth degree.

26 (ii) Child abuse in the third or fourth degree or an attempt to
27 commit child abuse in the third or fourth degree.

1 (iii) A misdemeanor involving cruelty, torture, or indecent
2 exposure involving a child.

3 (iv) A misdemeanor violation of section 7410 of the public
4 health code, 1978 PA 368, MCL 333.7410.

5 (v) A violation of section 115, 141a, 145a, 335a, or 359 of
6 the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a,
7 750.145a, 750.335a, and 750.359, or a misdemeanor violation of
8 section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328,
9 MCL 750.81, 750.81a, and 750.145d.

10 (vi) A misdemeanor violation of section 701 of the Michigan
11 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

12 (vii) Any misdemeanor that is a listed offense.

13 (c) A violation of a substantially similar law of another
14 state, of a political subdivision of this state or another state,
15 or of the United States.

16 (2) A person who violates subsection (1) is guilty of a crime
17 as follows:

18 (a) If the person violates subsection (1) and the crime
19 involved in the violation is a misdemeanor that is a listed offense
20 or is a felony, the person is guilty of a felony punishable by
21 imprisonment for not more than 2 years or a fine of not more than
22 \$2,000.00, or both.

23 (b) If the person violates subsection (1) and the crime
24 involved in the violation is a misdemeanor that is not a listed
25 offense, the person is guilty of a misdemeanor punishable by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$1,000.00, or both.

1 (3) The department shall delete from the licensee's records
2 all information relating to an arraignment required to be reported
3 under subsection (1) if the department receives documentation that
4 the licensee is subsequently not convicted of any crime after the
5 completion of judicial proceedings resulting from that arraignment.

6 (4) A child care center or day care center shall delete from
7 the employee's records all information relating to an arraignment
8 required to be reported under subsection (1) if it receives
9 documentation that the employee is subsequently not convicted of
10 any crime after the completion of judicial proceedings resulting
11 from that arraignment.

12 (5) ~~Not later than 30 days after the effective date of the~~
13 ~~amendatory act that added this section~~ **JANUARY 31, 2006**, the
14 department shall inform all licensees and applicants for licenses
15 of the requirement under this section to report when he or she is
16 arraigned for certain crimes and the penalty for not reporting.

17 (6) ~~Not later than 30 days after the effective date of the~~
18 ~~amendatory act that added this section~~ **JANUARY 31, 2006**, a child
19 care center or day care center shall inform all current employees
20 and all persons who work regularly and continuously under contract
21 at the child care center or day care center of the requirement
22 under this section to report when he or she is arraigned for
23 certain crimes and the penalty for not reporting.

24 (7) At the time a child care center or day care center makes
25 an offer of employment to a person or allows a person to regularly
26 and continuously work under contract at the child care center or
27 day care center, the child care center or day care center shall

1 notify that person of the requirement under this section to report
2 when he or she is arraigned for certain crimes and the penalty for
3 not reporting.

4 SEC. 5H. (1) EXCEPT AS PROVIDED IN SUBSECTION (13), WHEN A
5 PERSON APPLIES FOR OR TO RENEW A LICENSE TO OPERATE A FOSTER FAMILY
6 HOME OR A FOSTER FAMILY GROUP HOME UNDER SECTION 5, THE DEPARTMENT
7 SHALL REQUEST THE DEPARTMENT OF STATE POLICE TO PERFORM BOTH OF THE
8 FOLLOWING ON THAT PERSON:

9 (A) CONDUCT A CRIMINAL HISTORY CHECK ON THE PERSON.

10 (B) CONDUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL
11 BUREAU OF INVESTIGATION ON THE PERSON.

12 (2) EACH PERSON APPLYING FOR A LICENSE TO OPERATE A FOSTER
13 FAMILY HOME OR A FOSTER FAMILY GROUP HOME SHALL GIVE WRITTEN
14 CONSENT AT THE TIME OF APPLICATION FOR THE DEPARTMENT OF STATE
15 POLICE TO CONDUCT A CRIMINAL HISTORY CHECK AND A CRIMINAL RECORDS
16 CHECK REQUIRED UNDER THIS SECTION. THE DEPARTMENT SHALL REQUIRE THE
17 PERSON TO SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE
18 POLICE FOR THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK
19 DESCRIBED IN SUBSECTION (1).

20 (3) THE DEPARTMENT SHALL REQUEST A CRIMINAL HISTORY CHECK AND
21 CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION ON A FORM AND IN
22 THE MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE.

23 (4) WITHIN A REASONABLE TIME AFTER RECEIVING A COMPLETE
24 REQUEST BY THE DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON A PERSON
25 UNDER THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL CONDUCT
26 THE CRIMINAL HISTORY CHECK AND PROVIDE A REPORT OF THE RESULTS TO
27 THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY

1 RECORD INFORMATION ON THE PERSON MAINTAINED BY THE DEPARTMENT OF
2 STATE POLICE.

3 (5) WITHIN A REASONABLE TIME AFTER RECEIVING A PROPER REQUEST
4 BY THE DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON A PERSON UNDER
5 THIS SECTION, THE DEPARTMENT OF STATE POLICE SHALL INITIATE THE
6 CRIMINAL RECORDS CHECK. AFTER RECEIVING THE RESULTS OF THE CRIMINAL
7 RECORDS CHECK FROM THE FEDERAL BUREAU OF INVESTIGATION, THE
8 DEPARTMENT OF STATE POLICE SHALL PROVIDE A REPORT OF THE RESULTS TO
9 THE DEPARTMENT.

10 (6) THE DEPARTMENT OF STATE POLICE MAY CHARGE THE DEPARTMENT A
11 FEE FOR A CRIMINAL HISTORY CHECK OR A CRIMINAL RECORDS CHECK
12 REQUIRED UNDER THIS SECTION THAT DOES NOT EXCEED THE ACTUAL AND
13 REASONABLE COST OF CONDUCTING THE CHECK.

14 (7) A PERSON TO WHOM A LICENSE HAS BEEN ISSUED UNDER THIS ACT
15 SHALL REPORT TO THE DEPARTMENT WITHIN 3 BUSINESS DAYS AFTER HE OR
16 SHE HAS BEEN ARRAIGNED FOR 1 OR MORE OF THE FOLLOWING CRIMES AND
17 WITHIN 3 BUSINESS DAYS AFTER HE OR SHE KNOWS OR SHOULD REASONABLY
18 KNOW THAT AN EMPLOYEE OR A PERSON OVER 18 YEARS OF AGE RESIDING IN
19 THE HOME HAS BEEN ARRAIGNED FOR 1 OR MORE OF THE FOLLOWING CRIMES:

20 (A) ANY FELONY.

21 (B) ANY OF THE FOLLOWING MISDEMEANORS:

22 (i) CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE OR AN ATTEMPT
23 TO COMMIT CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

24 (ii) CHILD ABUSE IN THE THIRD OR FOURTH DEGREE OR AN ATTEMPT TO
25 COMMIT CHILD ABUSE IN THE THIRD OR FOURTH DEGREE.

26 (iii) A MISDEMEANOR INVOLVING CRUELTY, TORTURE, OR INDECENT
27 EXPOSURE INVOLVING A CHILD.

1 (iv) A MISDEMEANOR VIOLATION OF SECTION 7410 OF THE PUBLIC
2 HEALTH CODE, 1978 PA 368, MCL 333.7410.

3 (v) A VIOLATION OF SECTION 115, 141A, 145A, 335A, OR 359 OF
4 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.115, 750.141A,
5 750.145A, 750.335A, AND 750.359, OR A MISDEMEANOR VIOLATION OF
6 SECTION 81, 81A, OR 145D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
7 MCL 750.81, 750.81A, AND 750.145D.

8 (vi) A MISDEMEANOR VIOLATION OF SECTION 701 OF THE MICHIGAN
9 LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1701.

10 (vii) ANY MISDEMEANOR THAT IS A LISTED OFFENSE.

11 (C) A VIOLATION OF A SUBSTANTIALLY SIMILAR LAW OF ANOTHER
12 STATE, OF A POLITICAL SUBDIVISION OF THIS STATE OR ANOTHER STATE,
13 OR OF THE UNITED STATES.

14 (8) A PERSON WHO VIOLATES SUBSECTION (7) IS GUILTY OF A CRIME
15 AS FOLLOWS:

16 (A) IF THE PERSON VIOLATES SUBSECTION (7) AND THE CRIME
17 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS A LISTED OFFENSE
18 OR IS A FELONY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
19 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN
20 \$2,000.00, OR BOTH.

21 (B) IF THE PERSON VIOLATES SUBSECTION (7) AND THE CRIME
22 INVOLVED IN THE VIOLATION IS A MISDEMEANOR THAT IS NOT A LISTED
23 OFFENSE, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
24 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
25 \$1,000.00, OR BOTH.

26 (9) THE DEPARTMENT SHALL DELETE FROM THE LICENSEE'S RECORDS
27 ALL INFORMATION RELATING TO AN ARRAIGNMENT REQUIRED TO BE REPORTED

1 UNDER THIS SECTION IF THE DEPARTMENT RECEIVES DOCUMENTATION THAT
2 THE PERSON ARRAIGNED FOR THE CRIME IS SUBSEQUENTLY NOT CONVICTED OF
3 ANY CRIME AFTER THE COMPLETION OF JUDICIAL PROCEEDINGS RESULTING
4 FROM THAT ARRAIGNMENT.

5 (10) NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
6 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL INFORM
7 ALL PERSONS CURRENTLY ISSUED A LICENSE AND ALL APPLICANTS FOR A
8 LICENSE OF THE REQUIREMENT TO REPORT CERTAIN ARRAIGNMENTS AS
9 REQUIRED IN THIS SECTION AND THE PENALTY FOR NOT REPORTING THOSE
10 ARRAIGNMENTS.

11 (11) AT THE TIME THE DEPARTMENT ISSUES A LICENSE TO OPERATE A
12 FOSTER FAMILY HOME OR A FOSTER FAMILY GROUP HOME UNDER THIS ACT,
13 THE DEPARTMENT SHALL NOTIFY THE LICENSEE OF THE REQUIREMENT TO
14 REPORT CERTAIN ARRAIGNMENTS AS REQUIRED IN THIS SECTION AND THE
15 PENALTY FOR NOT REPORTING THOSE ARRAIGNMENTS.

16 (12) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
17 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL
18 CONDUCT A CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK ON ALL
19 PERSONS CURRENTLY ISSUED A LICENSE UNDER THIS ACT TO OPERATE A
20 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME.

21 (13) BEGINNING OCTOBER 1, 2007, IF A PERSON APPLYING TO RENEW
22 A LICENSE TO OPERATE A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP
23 HOME HAS PREVIOUSLY UNDERGONE A CRIMINAL HISTORY CHECK AND CRIMINAL
24 RECORDS CHECK REQUIRED UNDER SUBSECTION (1) AND HAS REMAINED
25 CONTINUOUSLY LICENSED AFTER THE CRIMINAL HISTORY CHECK AND CRIMINAL
26 RECORDS CHECK HAVE BEEN PERFORMED, THAT PERSON IS NOT REQUIRED TO
27 SUBMIT TO ANOTHER CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK

1 UPON RENEWAL OF THE LICENSE OBTAINED UNDER SECTION 5.

2 SEC. 5I. (1) WHEN A PERSON APPLIES FOR A LICENSE TO OPERATE A
3 FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME UNDER SECTION 5, THE
4 DEPARTMENT SHALL PERFORM A CRIMINAL HISTORY CHECK USING THE
5 DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL
6 (ICHAT) ON ALL PERSONS OVER 18 YEARS OF AGE RESIDING IN THE HOME IN
7 WHICH THE FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME IS
8 OPERATED. THIS SECTION DOES NOT APPLY TO A PERSON RESIDING IN THE
9 HOME FOR A PERIOD OF NOT MORE THAN 14 DAYS.

10 (2) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL
12 PERFORM AN ICHAT CHECK ON ALL PERSONS OVER 18 YEARS OF AGE RESIDING
13 IN THE HOME IN WHICH A FOSTER FAMILY HOME OR FOSTER FAMILY GROUP
14 HOME IS CURRENTLY OPERATED.

15 (3) IF A SEARCH OF ICHAT REVEALS THAT A PERSON OVER 18 YEARS
16 OF AGE RESIDING IN THE FOSTER FAMILY HOME OR FOSTER FAMILY GROUP
17 HOME HAS BEEN CONVICTED OF A LISTED OFFENSE, THE DEPARTMENT SHALL
18 NOT ISSUE A LICENSE TO THE APPLICANT, SHALL NOT RENEW A LICENSE TO
19 THE LICENSEE APPLYING FOR RENEWAL, OR SHALL REVOKE A CURRENT
20 LICENSEE'S LICENSE.

21 Enacting section 1. This amendatory act takes effect October
22 1, 2007.