

SENATE BILL No. 1344

May 25, 2010, Introduced by Senator GEORGE and referred to the Committee on Families and Human 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 section 5d (MCL 722.115d), as added by 2005 PA 133.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5d. (1) Before a child care center or day care center
2 makes an offer of employment to a person or allows a person to **WORK**
3 **IN ANY CAPACITY PROVIDING CHILD CARE SERVICES TEMPORARILY OR**
4 regularly and continuously ~~work~~ under contract at the child care
5 center or day care center, the child care center or day care center
6 shall ~~perform a criminal history check on that person using the~~
7 ~~department of state police's internet criminal history access tool~~

1 ~~(ICHAT).~~

2 ~~—— (2) If a search of the department of state police's ICHAT~~
3 ~~reveals that the person described in subsection (1) has been~~
4 ~~convicted of a listed offense, the child care center or day care~~
5 ~~center shall not make an offer of employment to that person or~~
6 ~~allow that person to regularly and continuously work under contract~~
7 ~~at the child care center or day care center. If a search of the~~
8 ~~department of state police's ICHAT reveals that a current employee~~
9 ~~has been convicted of a listed offense, the child care center or~~
10 ~~day care center shall not continue to employ that person. If a~~
11 ~~search of the department of state police's ICHAT reveals that a~~
12 ~~person who regularly and continuously works under contract at the~~
13 ~~child care center or day care center has been convicted of a listed~~
14 ~~offense, the child care center or day care center shall not allow~~
15 ~~that person to regularly or continuously work under contract at the~~
16 ~~child care center or day care center. REQUEST THE DEPARTMENT OF~~
17 ~~STATE POLICE TO DO BOTH OF THE FOLLOWING:~~

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

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

21 (2) EACH PERSON APPLYING FOR EMPLOYMENT IN A CHILD CARE CENTER
22 OR DAY CARE CENTER SHALL GIVE WRITTEN CONSENT AT THE TIME OF
23 EMPLOYMENT FOR THE LICENSEE OR REGISTRANT TO CONDUCT A CRIMINAL
24 HISTORY CHECK AND CRIMINAL RECORDS CHECK REQUIRED UNDER THIS
25 SECTION. THE LICENSEE OR REGISTRANT SHALL REQUIRE THE PERSON TO
26 SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE
27 FOR THE CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK DESCRIBED

1 IN SUBSECTION (1).

2 (3) IF A CRIMINAL HISTORY CHECK OR CRIMINAL RECORDS CHECK
3 PERFORMED UNDER SUBSECTION (1) (A) OR (B) REVEALS THAT A PERSON WHO
4 WORKS IN ANY CAPACITY PROVIDING CHILD CARE SERVICES TEMPORARILY OR
5 REGULARLY AND CONTINUOUSLY AT A CHILD CARE CENTER OR DAY CARE
6 CENTER HAS BEEN CONVICTED OF A LISTED OFFENSE, THE CHILD CARE
7 CENTER OR DAY CARE CENTER SHALL NOT EMPLOY THAT PERSON OR, IF THE
8 PERSON IS CURRENTLY EMPLOYED BY THE CHILD CARE CENTER OR DAY CARE
9 CENTER, SHALL IMMEDIATELY TERMINATE THAT PERSON'S EMPLOYMENT.

10 (4) ~~(3)~~ Not later than 1 year after the effective date of the
11 amendatory act that added this section, the child care center or
12 day care center shall conduct a criminal history check **REQUIRED**
13 **UNDER SUBSECTION (1)** on all current employees. ~~using the department~~
14 ~~of state police's ICHAT.~~

15 (5) ~~(4)~~ A child care center or day care center may pass along
16 the actual cost of a ~~search of the department of state police's~~
17 ~~ICHAT~~ **CRIMINAL HISTORY CHECK AND CRIMINAL RECORDS CHECK** to the
18 employee or applicant on whom the ~~search~~ **CHECK** is being performed.