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BILL



ANALYSIS

**Telephone: (517) 373-5383**  
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Senate Bill 746 (Substitute S-1 as reported)  
Senate Bill 747 (Substitute S-2 as reported)  
Sponsor: Senator Tonya Schuitmaker (S.B. 746)  
Senator Dave Hildenbrand (S.B. 747)  
Committee: Judiciary

### **CONTENT**

Senate Bill 746 (S-1) would amend the child care licensing Act to specify that, if a violation of a rule promulgated under the Act resulted in the death of a child, the violation would be punishable as second-degree child abuse and the child care license or registration would be permanently revoked.

The Act provides for the licensure and regulation of child care organizations, including family child care homes and group child care homes. Violations of the Act generally are punishable by a fine of not less than \$100 or more than \$1,000 and/or up to 90 days' imprisonment. Also, a license or certificate of registration under the Act may be revoked if a person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization is convicted under the Act.

The bill specifies that, if a person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization violated a licensing rule promulgated under the Act for family and child care homes (R 400.1901 to 400.1963 of the Michigan Administrative Code), and the violation resulted in the death of a child, the person, organization, agency, or representative or officer would be guilty of second-degree child abuse described in Section 136b of the Michigan Penal Code and punishable as provided in that section. In addition to any other penalty, the person's, organization's, or agency's license or certificate of registration would have to be revoked permanently.

Senate Bill 747 (S-2) would amend Section 136b of the Michigan Penal Code to include a violation described in Senate Bill 476 (S-1) in the acts that constitute second-degree child abuse, which is a felony punishable by up to 10 years' imprisonment for a first offense, and up to 20 years' imprisonment for a second or subsequent offense.

Specifically, a person or child care licensee would be guilty of second-degree child abuse if the person or licensee violated a child care licensing rule and the violation resulted in the death of a child.

The bills are tie-barred and each would take effect 90 days after its enactment.

MCL 722.125 (S.B. 746)  
750.136b (S.B. 747)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have a negative fiscal impact on State and local government. An increase in felony prosecutions and convictions could increase resource demands on local court systems,

law enforcement, and jails and prisons. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year.

Date Completed: 3-16-16

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.