



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 746 and 747 (as introduced 2-4-16)
Sponsor: Senator Tonya Schuitmaker (S.B. 746)
Senator Dave Hildenbrand (S.B. 747)
Committee: Judiciary

Date Completed: 3-1-16

CONTENT

Senate Bill 746 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.

Senate Bill 747 would amend the Michigan Penal Code to include a violation described above in the acts that constitute second-degree child abuse.

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

Senate Bill 746

The child care licensing Act provides for the licensure and regulation of child care organizations, including family child care homes and group child care homes. Under Section 15, 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. Section 15 also allows the revocation of a license or certificate of registration under the Act, 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 would amend Section 15 to specify that, if a person, child care organization, agency, or representative or officer of a firm, corporation, association, or organization who 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.

(The Act defines "family child care home" as a private home in which one to six minor children are received for care and supervision for compensation for period of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family. "Group child care home" means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family.)

Senate Bill 747

Under Section 136b of the Penal Code, a person is guilty of second-degree child abuse if any of the following apply:

- His or her omission causes serious physical harm or serious mental harm to a child, or his or her reckless act causes serious physical harm or serious mental harm to a child.
- He or she knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child, regardless of whether harm results.
- He or she knowingly or intentionally commits an act that is cruel to a child, regardless of whether harm results.

Under the bill, a person also would be guilty of second-degree child abuse if he or she violated Section 15 of the child care licensing Act.

(Second-degree child abuse 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.)

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.

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.