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BILL



ANALYSIS

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Senate Bills 746 and 747 (as enacted)  
Sponsor: Senator Tonya Schuitmaker (S.B. 746)  
Senator Dave Hildenbrand (S.B. 747)  
Senate Committee: Judiciary  
House Committee: Criminal Justice

**PUBLIC ACTS 487 & 488 of 2016**

Date Completed: 2-3-17

**CONTENT**

**Senate Bill 746 amends the child care licensing Act to specify that, if an intentional violation of a rule promulgated under the Act and in effect on January 1, 2017, causes the death of a child, the violation is punishable as second-degree child abuse. In addition, an offender's license or registration must be permanently revoked.**

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

The bills will take effect on April 6, 2017.

**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 amends Section 15 to specify that, if a person, family child care home, group child care home, agency, or representative or officer of a firm, corporation, association, or organization intentionally violates a licensing rule promulgated under the Act for family and group child care homes that was in effect on January 1, 2017, and the violation causes the death of a child, the person, family or group child care home, agency, or representative or officer is 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 child care license or certificate of registration of the person, child care home, agency, or representative or officer who committed the offense must be permanently revoked.

(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 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. "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 or 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 or child care licensee also will be guilty of second-degree child abuse if he or she violates Section 15(2) of the child care licensing Act (the provision added by Senate Bill 746).

(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 will have a negative fiscal impact on State and local government. An increase in felony prosecutions and convictions might 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 will 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.