

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 746

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 15 (MCL 722.125), as amended by 1993 PA 218.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 15. (1) ~~A—EXCEPT AS PROVIDED IN SUBSECTION (2),~~ A person,  
2 child care organization, agency, or representative or officer of a  
3 firm, corporation, association, or organization who violates this  
4 act is guilty of a misdemeanor ~~—~~punishable by the following:  
5       (a) A fine of not less than \$100.00 or more than \$1,000.00 for  
6 a violation of section 3b, 3c, or 3d.  
7       (b) For a violation not described in **EITHER** subdivision (a) **OR**  
8 **SUBSECTION (2),** a fine of not less than \$100.00 or more than

1 \$1,000.00, or imprisonment for not more than 90 days, or both.

2 (2) IF A PERSON, FAMILY CHILD CARE HOME, GROUP CHILD CARE  
3 HOME, AGENCY, OR REPRESENTATIVE OR OFFICER OF A FIRM, CORPORATION,  
4 ASSOCIATION, OR ORGANIZATION INTENTIONALLY VIOLATES A LICENSING  
5 RULE FOR FAMILY AND GROUP CHILD CARE HOMES PROMULGATED UNDER THIS  
6 ACT AND IN EFFECT ON JANUARY 1, 2017, AND THAT VIOLATION CAUSES THE  
7 DEATH OF A CHILD, THE PERSON, FAMILY CHILD CARE HOME, GROUP CHILD  
8 CARE HOME, AGENCY, OR REPRESENTATIVE OR OFFICER OF A FIRM,  
9 CORPORATION, ASSOCIATION, OR ORGANIZATION IS GUILTY OF SECOND  
10 DEGREE CHILD ABUSE DESCRIBED IN SECTION 136B OF THE MICHIGAN PENAL  
11 CODE, 1931 PA 328, MCL 750.136B, AND PUNISHABLE AS PROVIDED IN THAT  
12 SECTION. IN ADDITION TO ANY OTHER PENALTY IMPOSED, ITS LICENSE OR  
13 CERTIFICATE OF REGISTRATION SHALL BE PERMANENTLY REVOKED.

14 (3) ~~(2)~~—If a person, child care organization, agency, or  
15 representative or officer of a firm, corporation, association, or  
16 organization is convicted under this act, the conviction is  
17 sufficient ground for the revocation of its license or certificate  
18 of registration, and the person, child care organization, agency,  
19 or representative or officer of a firm, corporation, association,  
20 or organization convicted shall not be granted a license or  
21 certificate of registration, or be permitted to be connected,  
22 directly or indirectly, with a licensee or a registrant for a  
23 period of not less than 2 years after the conviction, **EXCEPT AS**  
24 **PROVIDED IN SUBSECTION (2).**

25 (4) ~~(3)~~—A person, child care organization, agency, or  
26 representative or officer of a firm, corporation, association, or  
27 organization who has a license or certificate of registration

1   revoked, application denied, or renewal refused, may be refused a  
2   license or certificate of registration, or be prohibited from being  
3   connected, directly or indirectly, with a licensee or a registrant  
4   for a period of not less than 2 years after the revocation, denial,  
5   or refusal to renew.

6           Enacting section 1. This amendatory act takes effect 90 days  
7   after the date it is enacted into law.

8           Enacting section 2. This amendatory act does not take effect  
9   unless Senate Bill No. 747 of the 98th Legislature is enacted into  
10   law.