

# SENATE BILL No. 1431

November 13, 2000, Introduced by Senator JAYE and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding sections 8e and 8f.

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

1 SEC. 8E. (1) THE DEPARTMENT SHALL NOT ISSUE A PAYMENT TO A  
2 CHILD DAY CARE PROVIDER UNLESS THE DEPARTMENT HAS PERFORMED A  
3 CENTRAL REGISTRY CLEARANCE AND REQUESTED AND RECEIVED FROM THE  
4 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE A  
5 CRIMINAL HISTORY CHECK ON THAT CHILD DAY CARE PROVIDER.

6 (2) A CHILD DAY CARE PROVIDER SHALL GIVE WRITTEN CONSENT FOR  
7 THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE  
8 TO CONDUCT THE CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SECTION  
9 AT THE TIME OF APPLYING FOR CHILD DAY CARE AUTHORIZATION FROM THE  
10 DEPARTMENT.

SENATE BILL No. 1431

1 (3) THE DEPARTMENT SHALL MAKE A REQUEST 2 TIMES EACH YEAR  
2 WITH PAYMENT OF THE APPROPRIATE FEE TO THE CRIMINAL RECORDS  
3 DIVISION OF THE DEPARTMENT OF STATE POLICE FOR A CRIMINAL HISTORY  
4 CHECK REQUIRED UNDER THIS SECTION ON A FORM AND IN A MANNER PRE-  
5 SCRIBED BY THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
6 STATE POLICE.

7 (4) WITHIN 45 DAYS AFTER RECEIVING A PROPER REQUEST BY THE  
8 DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON A PERSON UNDER THIS  
9 SECTION, THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE  
10 POLICE SHALL CONDUCT THE CRIMINAL HISTORY CHECK AND, AFTER CON-  
11 DUCTING THE CRIMINAL HISTORY CHECK AND WITHIN THAT TIME PERIOD,  
12 PROVIDE A REPORT OF THE RESULTS OF THE CRIMINAL HISTORY CHECK TO  
13 THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL HISTORY  
14 RECORD INFORMATION ON THE INDIVIDUAL MAINTAINED BY THE CRIMINAL  
15 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE.

16 (5) CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM THE  
17 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE UNDER  
18 SUBSECTION (4) SHALL BE USED BY THE DEPARTMENT ONLY FOR THE PUR-  
19 POSE OF EVALUATING AN INDIVIDUAL'S QUALIFICATIONS AS A CHILD DAY  
20 CARE PROVIDER. THE DEPARTMENT SHALL ONLY DISCLOSE THE REPORT OR  
21 ITS CONTENTS TO A PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING  
22 THE INDIVIDUAL'S QUALIFICATIONS. A PERSON WHO VIOLATES THIS SUB-  
23 SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT  
24 MORE THAN \$10,000.00.

25 (6) AS USED IN THIS SECTION AND SECTION 8F:

26 (A) "CHILD DAY CARE PROVIDER" INCLUDES ALL OF THE  
27 FOLLOWING:

1 (i) A FAMILY INDEPENDENCE AGENCY ENROLLED DAY CARE AIDE.

2 (ii) A FAMILY INDEPENDENCE AGENCY ENROLLED RELATIVE CARE  
3 PROVIDER.

4 (iii) A CHILD DAY CARE PROVIDER OR EMPLOYEE IN ANY OF THE  
5 FOLLOWING FACILITIES:

6 (A) A REGISTERED FAMILY DAY CARE HOME.

7 (B) A LICENSED GROUP DAY CARE HOME.

8 (C) A LICENSED DAY CARE CENTER.

9 (B) "CRIMINAL HISTORY RECORD INFORMATION" MEANS THAT TERM AS  
10 DEFINED IN SECTION 1A OF 1925 PA 289, MCL 28.241A.

11 (C) "LEIN" MEANS THE LAW ENFORCEMENT INFORMATION NETWORK  
12 REGULATED UNDER THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974  
13 PA 163, MCL 28.211 TO 28.216.

14 SEC. 8F. (1) IN ADDITION TO THE CENTRAL REGISTRY CLEARANCE  
15 AND CRIMINAL HISTORY CHECK REQUIRED UNDER SECTION 8E, 2 TIMES  
16 EACH YEAR THE DEPARTMENT SHALL REQUEST THE DEPARTMENT OF STATE  
17 POLICE TO CONDUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL  
18 BUREAU OF INVESTIGATION ON A CHILD DAY CARE PROVIDER APPLICANT.  
19 THE DEPARTMENT SHALL REQUIRE THE INDIVIDUAL TO SUBMIT HIS OR HER  
20 FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE FOR THE PURPOSE OF  
21 REQUESTING A CRIMINAL RECORDS CHECK. THE DEPARTMENT OF STATE  
22 POLICE MAY CHARGE A FEE FOR CONDUCTING THE CRIMINAL RECORDS  
23 CHECK. THE DEPARTMENT SHALL REQUIRE AN INDIVIDUAL TO SUBMIT HIS  
24 OR HER FINGERPRINTS FOR THE PURPOSES OF THIS SECTION ONLY AT THE  
25 TIME THE INDIVIDUAL INITIALLY APPLIES FOR AUTHORIZATION FOR PAY-  
26 MENT AS A CHILD DAY CARE PROVIDER.

1 (2) AN APPLICANT AS DESCRIBED IN SUBSECTION (1) SHALL GIVE  
2 WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE CRIMINAL  
3 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE TO CONDUCT THE  
4 CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION.

5 (3) THE DEPARTMENT SHALL MAKE A REQUEST TO THE DEPARTMENT OF  
6 STATE POLICE FOR A CRIMINAL RECORDS CHECK UNDER THIS SECTION ON A  
7 FORM AND IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE  
8 POLICE.

9 (4) THE RESULTS OF A CRIMINAL RECORDS CHECK UNDER THIS SEC-  
10 TION SHALL BE USED BY THE DEPARTMENT ONLY FOR THE PURPOSE OF  
11 EVALUATING AN INDIVIDUAL'S QUALIFICATIONS AS A CHILD DAY CARE  
12 PROVIDER. THE DEPARTMENT SHALL ONLY DISCLOSE THOSE RESULTS TO A  
13 PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING THE INDIVIDUAL'S  
14 QUALIFICATIONS AS A CHILD DAY CARE PROVIDER. A PERSON WHO VIO-  
15 LATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A  
16 FINE OF NOT MORE THAN \$10,000.00.

17 (5) WITHIN 45 DAYS AFTER RECEIVING A PROPER REQUEST BY THE  
18 DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON AN INDIVIDUAL UNDER  
19 THIS SECTION, THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
20 STATE POLICE SHALL INITIATE THE CRIMINAL RECORDS CHECK. AFTER  
21 CONDUCTING THE CRIMINAL RECORDS CHECK FOR THE DEPARTMENT, THE  
22 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE SHALL  
23 PROVIDE THE RESULTS OF THE CRIMINAL RECORDS CHECK TO THE  
24 DEPARTMENT.