



Senate Fiscal Agency
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Senate Bill 94 (Substitute S-5 as reported by the Committee of the Whole)
Sponsor: Senator Michael J. Bouchard
Committee: Families, Mental Health and Human Services

CONTENT

The bill would create the "Child-Related Employment Criminal History Check Act", effective August 1, 1996, to require employers and "limited employers" to obtain from each applicant, employee, or volunteer a signed statement of whether he or she had been convicted of any of specific felonies or misdemeanors. "Employer" would mean a business, organization, or association that was a governmental entity or licensed by a governmental entity, and that had the care of or supervisory or disciplinary powers over one or more children; it would not include certain types of facilities licensed under the Public Health Code, such as hospitals, health maintenance organizations, freestanding surgical outpatient facilities, and clinical laboratories. "Limited employer" would refer to a similar business, organization, or association that was not a governmental entity or licensed by a governmental entity. "Employee" and "volunteer" would refer to someone who was 17 or older and had unsupervised contact with one or more children. "Unsupervised contact" would mean contact with one or more children by the employee or volunteer alone or in the presence of only one or more other adults who were related to the employee or volunteer.

An applicant, employee, or volunteer of an employer would have to give consent for the employer to conduct a criminal history check (a determination, through fingerprints and use of the State repository of criminal history record information and the FBI records, of the whether a person had been convicted of a crime). The individual also would have to give the Department of State Police any information necessary for the check, including two sets of fingerprints. The Department would be required to conduct criminal history checks, but only if sufficient funds to do so beyond those collected by fee were appropriated by the Legislature. An employer would have to refuse to hire an applicant, or could dismiss an employee or volunteer, who did not comply with the bill. An employer could conduct criminal history checks according to a schedule set forth in the bill.

A limited employer could conduct a limited criminal history check (a determination, through use of the State repository of criminal history records information and without the use of fingerprints, of whether a person had been convicted of a crime) on an applicant, employee, or volunteer. If a limited employer chose to do so, the applicant, employee, or volunteer would have to give written consent and provide the Department with any necessary information. The Department could charge no more than \$10 for a limited criminal history check.

An employer or limited employer could request a criminal history check or limited criminal history check, as applicable, of a parent or guardian whose child was participating in or attending services or activities offered by that employer if the parent or guardian had or would have care of, or supervisory or disciplinary powers over, another minor.

An employer could hire or use the services of an applicant before the completion of a criminal history check. If an employer retained an employee or volunteer with a conviction, the employer would have to notify the parent or guardian of each minor who used the services of the employer.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Department of State Police. The bill would require the Department to conduct a full criminal history check on an applicant, employee, or volunteer who had given written permission to his or her employer to do so. A full criminal history check with both State and Federal fingerprint checks costs the Department \$39. The number of possible full criminal history checks that would be requested cannot be determined. In addition, the bill provides that the Department "shall only conduct criminal history checks...if sufficient funds...are appropriated" for this specific purpose through the appropriations process. The bill also would permit a limited employee to request that the Department conduct a limited criminal history check on an applicant, employee, or volunteer who had given written permission to his or her employer to do so. The bill would permit the Department to charge no more than \$10 for the limited criminal history check, though the Department charge for this service is only \$5, and it is unclear who would be required to pay it. The number of possible limited criminal history checks that would be requested under the bill cannot be determined.

The potential fiscal impact on the Department of Social Services General Fund costs could be considerable due to the number and scope of the programs that the Department administers and licenses. From foster care placements, adoption, day care, protective and delinquency services, these programs have thousands of State workers and volunteers who would be covered under the bill because of their contact with recipients of State services. A Department specialist is reviewing the potential fiscal impact, and the Senate Fiscal Agency will provide the Agency's analysis as soon as possible.

Date Completed: 2-22-96

Fiscal Analyst: B. Baker
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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.