

VOLUNTEER EMPLOYEE CRIMINAL HISTORY SYSTEM ACT (EXCERPT)
Act 23 of 2023

28.832 Definitions.

Sec. 2.

As used in this act:

(a) "Care or care placement services" means the provision of care, treatment, education, training, instruction, supervision, or recreation to a child, an elderly individual, or an individual with a disability.

(b) "Child" means an individual who is less than 18 years of age and is not emancipated by operation of law as provided in section 4 of 1968 PA 293, MCL 722.4.

(c) "Covered individual" means an individual who meets any of the following requirements:

(i) Is employed by a qualified entity and has, seeks to have, or may have supervised or unsupervised access to a child, an elderly individual, or individual with a disability for whom the qualified entity provides care or care placement services.

(ii) Is a volunteer of a qualified entity and has, seeks to have, or may have supervised or unsupervised access to a child, an elderly individual, or individual with a disability for whom the qualified entity provides care or care placement services.

(iii) Owns, operates, or seeks to own or operate a qualified entity.

(d) "Criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

(e) "Department" means the department of state police.

(f) "Elderly individual" means an individual who is 65 years of age or older.

(g) "Individual with a disability" means an individual with a mental or physical impairment who requires assistance to perform 1 or more daily living tasks.

(h) "Program" means the volunteer employee criminal history system program created in section 3.

(i) "Qualified entity" means a business or organization, whether public, private, operated for profit, or operated not for profit that provides care or care placement services. A qualified entity includes a business or organization that licenses or certifies others to provide care or care placement services.

(j) "Rap back program" means a state or federal record of arrest and prosecution background program that enables qualified entities to receive ongoing status notifications of any criminal history reported on covered individuals whose fingerprints are registered in the system thereby eliminating the need for repeated background checks on covered individuals by qualified entities.

History: 2023, Act 23, Eff. May 1, 2023