



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 1349 and 1350 (as reported without amendment)  
Sponsor: Senator Wayne Kuipers (S.B. 1349)  
          Senator Gretchen Whitmer (S.B. 1350)  
Committee: Education

**CONTENT**

Senate Bill 1350 would create a new statute to do the following:

- Require the Michigan Schools for the Deaf and Blind ("the school") to request a criminal history check, an FBI criminal records check, and an internet criminal history access tool (ICHAT) check for an applicant for employment, a newly hired employee, or a contract worker assigned to work regularly and continuously at the school.
- Permit the school, under certain circumstances, to employ an individual while the criminal history and criminal records checks were being processed.
- Require the school, by July 1, 2008, to request a criminal history check and a criminal records check for all current employees and contract workers working regularly and continuously at the school.
- Permit the school to share the results of an individual's criminal history or criminal records check with another district or school, with the individual's written permission.
- Specify that if the criminal history and criminal records checks had been completed for an individual, then another check would not be required for that individual as long as he or she remained employed or working regularly and continuously under contract for any school employer in the State.
- Require an individual to provide fingerprints for the criminal records check, and permit the State Police to charge a fee for that check.
- Require the Michigan Department of Education (MDE), by July 1, 2008, to include in its list of registered educational personnel all individuals who were employed by the school and contract workers working regularly and continuously at the school.
- Require an applicant, employee, or contract worker working at the school to report to the MDE and the school within three days if he or she were charged with any of certain crimes specified in the Revised School Code.
- Require an employee or contract worker working at the school who was found guilty of or pleaded no contest to a specified crime to disclose to the court that he or she was employed by or working under contract at the school.

A violation of the reporting requirements would be a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000 if the crime involved in the violation were a misdemeanor that was a "listed offense" or a felony. If the crime involved in the violation were any other misdemeanor, the violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. An MDE or school official or employee who disclosed information contained in a criminal history record obtained under the bill to any unauthorized person would be guilty of a misdemeanor punishable by a fine of up to \$10,000.

Senate Bill 1349 would amend the Code of Criminal Procedure to include within the sentencing guidelines the failure by an employee of Michigan Schools for the Deaf and Blind to report a charge or conviction that involved a misdemeanor that was a listed offense or a felony. The offense would be a class G felony against the public safety, with a statutory maximum of two years' imprisonment.

Senate Bill 1349 is tie-barred to Senate Bill 1350.

MCL 777.13p (S.B. 1349)

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses. An offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$33,000. Additional penal fine revenue would benefit public libraries.

Each complete fingerprint background check under Senate Bill 1350 would require a fee of \$49.25 to the Department of State Police, representing its actual cost (and the included Federal cost) for the analysis. The name check process, made through the State Police's internet criminal history access tool (ICHAT), has no cost, when used by a nonprofit organization, a school, or government agency. It is unclear how many individuals would be subject to either of these background checks, or who would be responsible for the costs that may be associated with them.

Senate Bill 1350 would have a minimal administrative fiscal impact on the Department of Education or the Schools for the Deaf and Blind.

Date Completed: 6-12-08

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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.