

Michigan Department of Human Services  
Office of Children and Adult Licensing

**Child Care Center  
Letter Series – 2005-01**

Date: December 5, 2005  
To: All Child Care Center Licensees  
From: James S. Sinnamon, Director  
Division of Child Day Care Licensing  
Subject: Changes in Public Act 116 of 1973, as amended

Public Act 116 has been amended by the legislature to require the following:

- **Effective January 1, 2006**, a fingerprint scan is required on “the person or each partner, officer, or manager of the child care center” applying for an original or a renewal of a child care center license. The fingerprint scan will be used by the Michigan State Police to perform a criminal history check of Michigan offenses and criminal records check through the Federal Bureau of Investigation. [MCL 722.115c(1)]

If a criminal history check or criminal records check performed under section 5c reveals a conviction of a listed offense, the department shall not issue or renew that license. If a criminal history check or criminal records check reveals that a current licensee has been convicted of a listed offense, the department shall revoke the license. [MCL 722.115(15)]

- **Effective January 1, 2006**, before a center makes an offer of employment to a person, or allows a person to regularly and continuously work under contract at the center, the center must perform a criminal history check on a person using the Michigan State Police’s internet criminal history access tool (ICHAT). [MCL 722.115d(1)]

If ICHAT reveals the person being considered for employment has been convicted of a listed offense, the center may not make an offer of employment to that person. (MCL 722.115d(2))

- **Effective January 1, 2006**, the child care center licensee must report to the department within 3 business days after he or she has been arraigned for 1 or more of the crimes noted below. An employee of a center must report to the center within 3 business days after her or she has been arraigned for one or more of the crimes listed below. (MCL 722.115e(1)) A person who fails to report as required by this section is guilty of a felony or a misdemeanor, depending on the offense the person was arraigned on. (MCLS 722.115e(2))
- By **January 1, 2007**, child care centers must perform an internet criminal history access to (ICHAT) check on all current employees. [MCL 722.115d(3)]

Updated copies 1973 PA 116 will be available in the near future. You may view the document online, at [www.legislature.mi.gov](http://www.legislature.mi.gov). Click on “Public Acts” in the left column and then enter 116 for the Public Act Number, and 1973 for the Public Act Year.

The Michigan State Police has identified Identix as the vendor to perform fingerprint scans. There is a charge of \$70 that must be paid to Identix at the time of fingerprinting. To schedule an appointment, call 1-866-226-2952 or go to [www.identix.com/IIS/mi.html](http://www.identix.com/IIS/mi.html)

The following list of the offenses specified in the PA 116 amendments is included for your information.

**“Listed Offenses” from the Sex Offenders Registration Act, 1994 PA 295**

- MCL 750.145a: Accosting, enticing or soliciting child for immoral purpose
- MCL 750.145b: Accosting, enticing or soliciting child for immoral purpose, prior conviction; Penalty
- MCL 750.145c: Definitions; child sexually abusive activity or material; penalties; possession of child sexually abusive material; expert testimony; defenses; acts of commercial film or photographic print processor; report to law enforcement agency by computer technician; applicability and uniformity of section; enactment or enforcement of ordinances, rules or regulations prohibited
- MCL 750.158: Crime against nature or sodomy; penalty
- A third or subsequent violation of any combination of the following:
  - MCL 750.167: “Disorderly person” defined; subsequent violations by person convicted of refusing or neglecting to support family
  - MCL 750.335a: Indecent exposure
  - A local ordinance of a municipality substantially corresponding to a section described above
- MCL 750.338: Gross indecency; between male persons
- MCL 750.338a: Gross indecency; female persons
- MCL 750.338b: Gross indecency; between male and female persons
- MCL 750.349: Kidnapping
- MCL 750.350: Leading, taking, carrying away, decoying, or enticing away child under 14; intent, violation as felony; penalty; adoptive or natural parent
- MCL 750.448: Soliciting, accosting, or inviting to commit prostitution or immoral act; crime
- MCL 750.455: Pandering; felony
- MCL 750.520b: Criminal sexual conduct in the first degree; felony
- MCL 750.520c: Criminal sexual conduct in the second degree; felony
- MCL 750.520d: Criminal sexual conduct in the third degree; felony
- MCL 750.520e: Criminal sexual conduct in the fourth degree; misdemeanor
- MCL 750.520g: Assault with intent to commit criminal sexual conduct; felony
- MCL 750.10a: An offense committed by a person who was, at the time of the offense, a sexually delinquent person
- An attempt or conspiracy to commit an offense described above
- An offense substantially similar to an offense described above under a law of the United States, any state, or any country or under tribal or military law.

**Offenses that must be reported to the department within 3 days of arraignment:**

- Any felony
- Any of the following misdemeanors:
  - Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree
  - Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.
- A misdemeanor involving cruelty, torture, or indecent exposure involving a child

- A misdemeanor violation of MCL 333.7410, involving delivering or distributing a controlled substance
- A violation of:
  - MCL 750.115: Breaking and entering
  - MCL 750.141a: Selling/furnishing alcohol to a minor
  - MCL 750.145a: Accosting, enticing, soliciting a minor
  - MCL 750.335a: Indecent exposure
  - MCL 750.359: Larceny from a vacant dwelling
- A misdemeanor violation of:
  - MCL 750.81: Assault and battery
  - MCL 750.81a: Assault
  - MCL 750.145d: Use of internet or computer system for illegal sexual purposes
- A misdemeanor violation of MCL 436.1701, involving selling or furnishing alcoholic liquor to a person less than 21 years of age
- Any misdemeanor that is a listed offense
- A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States

## Obtaining an Identification Number for Electronic Fingerprinting Services

In accordance with the School Safety Legislation, fingerprinting for new applicants or current personnel is no longer obtained from the local law enforcement agency. Electronic fingerprinting services must be obtained from a state authorized vendor (Identix or equipped ISD).

In order to obtain an electronic fingerprint, a school identification number and the *Livescan Fingerprint Request Form* must be obtained from the state. On the school's letterhead, include the following:

- ✓ The name of the principal or designated contact person
- ✓ E-mail address for the contact person
- ✓ Telephone number
- ✓ Fax number
- ✓ Address to which the reports should be mailed
- ✓ Authorized signature

Fax the letter to:

Ms. April McDaniel  
517.322.0635 or 517.322.6288

Ms. McDaniel will send:

- ✓ A confirmation and identification number for the school
- ✓ A copy of the *Livescan Fingerprint Request Form* that each person requesting fingerprints must complete (keep original & make copies)

There is no cost to the school to obtain an identification number. The cost of fingerprint is on average \$70.

If you have questions, you can reach Ms. April McDaniel at 517.322.5265.

# Approved Sites for LiveScan Criminal History Check

As of November 2007, the following Intermediate School Districts (ISD), Educational Service Agency (ESA) or Regional Educational Service Agency (RESA) have LiveScan Equipment and are participating in the LiveScan Program:

**Allegan Area ESA**

**Bay-Arenac ISD**

**Berrien County ISD**

**Eaton County ISD**

**Genesee County ISD**

**Gratiot-Isabella County ISD**

**Ingham County ISD**

**Jackson County ISD**

**Kalamazoo Valley RESA**

**Lenawee County ISD**

**Livingston County ESA**

**Macomb County ISD**

**Monroe County ISD**

**Muskegon Area ISD**

**Oakland School (ISD)**

**Saginaw County ISD**

**St. Clair County RESA**

**Tuscola County ISD**

**VanBuren County ISD**

**Washtenaw County ISD**

As of November 2007, the following School Districts have acquired LiveScan Equipment and are participating in the LiveScan Program:

**Centerline Public Schools**

**Dearborn Public Schools**

**Kalamazoo Public Schools**

**Lakeview Public Schools**

Please contact the Human Resources Department at the above listed ISD, ESA, RESA, or School District to inquire about dates, times, and location LiveScan Criminal History Checks are conducted.

If your school and/or district would like to schedule an on-site visit with IBT (formerly IDENTIX), please call 1-866-226-2952.

Additional Sites will be added as schools and ISDs acquire the LiveScan equipment and are approved by the Michigan State Police.