

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 47 be amended to read as follows:

- 1 Page 3, line 10, delete "society" and insert "**society, including a**
- 2 **child care ministry registered under IC 12-17.2-6**".
- 3 Page 3, after line 16, begin a new paragraph and insert:
- 4 "SECTION 2. IC 12-17.2-3.5-12 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) **Except as**
- 6 **provided in subsection (f)**, a provider shall, at no expense to the state,
- 7 maintain and make available to the division upon request a copy of a
- 8 limited criminal history for:
- 9 (1) the provider, if the provider is an individual;
- 10 (2) if the provider operates a child care program in the provider's
- 11 home, any individual who resides with the provider and who is:
- 12 (A) at least eighteen (18) years of age; or
- 13 (B) less than eighteen (18) years of age but has previously
- 14 been waived from juvenile court to adult court; and
- 15 (3) any individual who:
- 16 (A) is employed; or
- 17 (B) volunteers;
- 18 as a caregiver at the facility where the provider operates a child
- 19 care program.
- 20 A provider shall apply for a limited criminal history for an individual
- 21 described in subdivision (3) before the individual is employed or
- 22 allowed to volunteer as a caregiver.
- 23 (b) In addition to the requirement under subsection (a), a provider
- 24 shall report to the division any:
- 25 (1) police investigations;

1 (2) arrests; and  
 2 (3) criminal convictions;  
 3 not listed on a limited criminal history obtained under subsection (a)  
 4 regarding any of the persons listed in subsection (a).

5 (c) A provider that meets the other eligibility requirements of this  
 6 chapter is temporarily eligible to receive voucher payments until the  
 7 provider receives the limited criminal history required under subsection  
 8 (a) from the state police department if:

- 9 (1) the provider:  
 10 (A) has applied for the limited criminal history required under  
 11 subsection (a); and  
 12 (B) obtains a local criminal history for the individuals  
 13 described in subsection (a) from each individual's local law  
 14 enforcement agency before the individual is employed or  
 15 allowed to volunteer as a caregiver; and  
 16 (2) the local criminal history does not reveal that an individual has  
 17 been convicted of a:  
 18 (A) felony;  
 19 (B) misdemeanor related to the health or safety of a child;  
 20 (C) misdemeanor for operating a child care center without a  
 21 license under IC 12-17.2-4-35; or  
 22 (D) misdemeanor for operating a child care home without a  
 23 license under IC 12-17.2-5-35.

24 (d) A provider is ineligible to receive a voucher payment if an  
 25 individual for whom a limited criminal history is required under this  
 26 section has been convicted of a:

- 27 (1) felony;  
 28 (2) misdemeanor related to the health or safety of a child;  
 29 (3) misdemeanor for operating a child care center without a  
 30 license under IC 12-17.2-4-35; or  
 31 (4) misdemeanor for operating a child care home without a license  
 32 under IC 12-17.2-5-35;

33 until the individual is dismissed from employment or volunteer service  
 34 at the facility where the provider operates a child care program or no  
 35 longer resides with the provider.

36 (e) A provider shall maintain a written policy requiring an individual  
 37 for whom a limited criminal history is required under this section to  
 38 report any criminal convictions of the individual to the provider.

39 **(f) The state police department may not charge a child care**  
 40 **ministry registered under IC 12-17.2-6 any fees or costs for**  
 41 **responding to a request for a release of a limited criminal history**  
 42 **record of a prospective or current employee, or a prospective or**  
 43 **current volunteer, as described in IC 10-13-3-36(f)."**

44 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 47 as printed February 17, 2006.)

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Representative McClain