

SENATE BILL NO. 328  
INTRODUCED BY MANGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL EMPLOYEES OF DAY-CARE CENTERS THAT PROVIDE DAY CARE ON AN IRREGULAR BASIS TO SUBMIT TO A CRIMINAL BACKGROUND INVESTIGATION BY MEANS OF A NAME-BASED OR FINGERPRINT CHECK; AND AMENDING SECTION 52-2-704, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Background checks for employees of day-care centers that provide irregular care.** All employees of day-care centers that provide irregular care shall submit to a criminal and child protection background check, which must include information pertaining to criminal convictions, reports of domestic violence, and substantiated child abuse or neglect of children. The department shall require a criminal background investigation of each employee of a day-care center that provides irregular care, including license applicants, as provided in 52-2-721(6), by means of a NAME-BASED OR fingerprint check by the Montana department of justice and the federal bureau of investigation.

**Section 2.** Section 52-2-704, MCA, is amended to read:

**"52-2-704. Duties of department.** (1) The department is responsible for planning, implementing, and coordinating programs under the Montana Child Care Act.

(2) The department shall:

- (a) assess child-care needs and resources within the state;
- (b) develop a state child-care plan;
- (c) coordinate child-care programs administered by all state agencies;
- (d) issue licenses to persons to receive children into a day-care center on a regular basis;
- (e) prescribe the conditions and publish minimum standards upon which licenses and registration certificates are issued;
- (f) adopt rules for day-care facilities consistent with the purposes of this part;
- (g) adopt rules for day-care centers that provide day care on an irregular basis;;
- (i) which ~~includes~~ INCLUDE exceptions regarding requirements for immunization records and staffing

ratios; and

(ii) which ~~includes~~ INCLUDE requirements for background checks for employees, including license applicants, of any day-care center that provides irregular care; and

(h) issue registration certificates to a person or persons to receive children into a family day-care home or group day-care home on a regular basis.

(3) The department may:

(a) enter into interagency agreements to administer and coordinate child-care programs;

(b) accept any federal funds made available for the improvement or promotion of child-care services within the state;

(c) administer any state and federal funds that may be appropriated for the purposes of the part; and

(d) issue a license to a person to receive children into a day-care center on an irregular basis if the person chooses to apply for licensure."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 52, chapter 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply to [section 1].

- END -