

RÉSUMÉ DIGEST

ACT 201 (SB 46)

2026 Regular Session

Reese

New law creates the crime of unlawful operation of a group home.

New law defines an "unlicensed group home" as any residence not licensed or permitted by any state or local licensing or permitting authority that houses two or more residents over whom the operator exercises control in any manner, or control over the residents' assets. New law further provides that a showing that the operator or an affiliate of the operator has obtained power of attorney over any resident's assets, is the payee or otherwise directly or indirectly receives any federal or state government benefits on behalf of any resident, or is any resident's responsible party, responsible representative, or representative payee on any government benefit received on behalf of the resident, is sufficient to prove the operator exercises control over the resident or his assets. New law further provides that rental payments received from the U.S. Dept. of Housing and Urban Development and security deposits paid pursuant to the lease agreement are not considered assets for purposes of new law.

New law also defines "affiliate", "nonrelated individuals", "operator", and "residents".

New law provides that an offender will be sentenced as follows:

- (1) If the conditions in the unlicensed group home would not lead to unjustifiable pain or suffering, the offender will be fined up to \$1,000, or imprisoned for up to six months, or both.
- (2) Where the conditions in the unlicensed group home would likely lead to or actually caused unjustifiable pain, malnourishment, or suffering while a resident resided in the home, the offender will be fined up to \$10,000, or imprisoned with or without hard labor for up to 10 years, or both. At least one year of the sentence imposed must be served without the benefit of parole, probation, or suspension of sentence.
- (3) Where the conditions in the home contributed to a resident's death, the offender will be imprisoned at hard labor for between five and 40 years. At least three years of the sentence imposed must be served without benefit of probation or suspension of sentence.

Effective August 1, 2026.

(Adds R.S. 14:93.6)