

GREEN SHEET REDIGEST

HB 197

2016 Regular Session

Pylant

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIME: Creates crime of failure to properly operate a child day care center

DIGEST

Proposed law provides that it is unlawful for any person or other entity to do either of the following:

- (1) Continue to operate a child day care center after notification by the Dept. of Education that the person or other entity operating the facility should seek a license.
- (2) Continue to operate a child day care center after the Dept. of Education has revoked a license previously issued to that person or entity.

Proposed law provides for the following penalties:

- (1) On a first offense, a fine of up to \$1,000, imprisonment for up to six months, or both.
- (2) On a second offense, a fine of up to \$2,500, imprisonment for up to six months, or both. Proposed law further provides that the violator will be ineligible to apply for a day care license for up to 24 months.
- (3) On a third or subsequent offense, a fine of up to \$5,000, imprisonment for up to 12 months, or both. Proposed law further provides that the violator will be ineligible to apply for a day care license for up to 48 months.

Proposed law provides that the Dept. of Education is to conduct any necessary investigation, determine whether a license is required by present law, and determine if the center is operating without a valid license. Proposed law further provides that the department is to determine the licensing status and collect any evidence necessary with respect to violations of proposed law. Proposed law further provides that evidence and findings by the department are to be submitted to a law enforcement agency for any arrest.

(Adds R.S. 14:91.15)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Adds that the Dept. of Education shall conduct any investigation and make determinations regarding violations of proposed law for referral to a law enforcement agency.

The House Floor Amendments to the engrossed bill:

1. Adds additional criminal penalties for a second or third offense.
2. Provides that persons convicted of a second or third offense are ineligible to apply for a child day care facility license for up to 24 months.
3. Changes provisions regarding the investigation by the Dept. of Education of violations of proposed law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Delete intentional operation of a child care center without a license from applicability of proposed law.
2. Change proposed law third offense period of ineligibility to apply for a license from 24 months to 48 months.
3. Clarify that proposed law may be violated by "any person or other entity".