

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 197** HLS 16RS 770

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> June 2, 2016	5:03 PM	<b>Author:</b> PYLANT
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Failure to Properly Operate a Child Day Care Center		<b>Analyst:</b> Monique Appeaning

CRIME EN INCREASE GF EX See Note Page 1 of 1

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

Proposed law creates the crime of unlawful operation of an unlicensed child day care center; provides definitions; provides criminal penalties; and provides for related matters. Proposed law provides the following penalties: first offense violation, max. fine of \$1,000 or max. imprisonment term of 6 months imposed, or both; second offense violation, max. fine of \$2,500 or max. imprisonment term of 6 months, or both; 3rd offense violation, \$5,000 max. fine or max. imprisonment term of 12 months, or both. The second and third offense includes ineligibility to apply for a license to operate a child day care or operate one for a maximum of 48 months. Proposed law provides that the DOE shall be responsible for the investigation of violations and make determinations with respect to violations of the proposed law. DOE shall submit all evidence and findings to a law enforcement agency for any arrest for a violation of the proposed law.

<b>EXPENDITURES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed law may result in an indeterminable increase in SGF expenditures for the Department of Public Safety and Corrections - Corrections Services if a defendant is charged with a third offense violation of unlawful operation of an unlicensed child day care center. The maximum imprisonment term imposed is twelve months.

SGF expenditures will increase by \$51.68 per offender per day if an offender is housed in a state facility and by \$24.39 for a state offender who is housed in a local facility. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

The first and second offenses are misdemeanors and have an indeterminable increase in expenditures for local governing authorities if a defendant unlawfully operates an unlicensed child daycare center. The maximum imprisonment term is six (6) months at the local level for both the first and second offenses. Also, the proposed law codifies existing practices by the DOE that they shall be responsible for the investigation of violations and make determinations with respect to violations of the proposed law. It further states that the DOE shall submit all evidence and findings to a law enforcement agency for any arrest for a violation of the proposed law.

**REVENUE EXPLANATION**

The proposed law may result in an indeterminable increase in local funds revenue as a result of potential fines for unlawfully operating an unlicensed child daycare center. The maximum fines assessed are: first offense - \$1,000; second offense - \$2,500; and third offense - \$5,000. The potential revenue will accrue to the local governing authority.

- |                                                                             |                                                                                            |              |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------|
| <u>Senate</u>                                                               | <u>Dual Referral Rules</u>                                                                 | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |              |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |              |

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**