
DIGEST

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HB 75 Original

2018 Regular Session

Dwight

Abstract: Updates citations and terminology for certain child care facilities in provisions of law that prohibit sex offenders from working at, or from establishing a residence or being physically present within a certain distance of, such facilities.

Present law provides for certain crimes and conditions of probation or parole which prohibit a sex offender from establishing a residence or being physically present within a specified distance of certain child care facilities, and from owning, operating, participating in the governance of, or working in, certain child care facilities. Such facilities include but are not limited to a day care center, group home, residential home, child care facility, family child day care home, or community home.

Present law provides that the terms "day care center", "group home", "residential home" and "child care facility" are defined by R.S. 46:1403. Present law also provides that the term "family child day care home" is defined by R.S. 46:1441.1. These citations referring to the definition of these terms are no longer accurate, and have been either amended, relocated, or repealed by prior Acts of the legislature.

Proposed law amends present law as follows to refer to the correct citations in present law that define each term:

- (1) With regard to "day care center", which is no longer defined by R.S. 46:1403 but is instead referred to as a "child day care center" defined by R.S. 17:407.33, proposed law amends present law to refer to such facilities as "early learning centers" which is defined by present law (R.S. 17:407.33) to include any child day care center, Early Head Start Centers, Head Start Centers, and stand-alone prekindergarten programs not attached to a school. (See Acts 2013, No. 179 and Acts 2014, No. 868)
- (2) With regard to "group home" and "community home", proposed law removes these terms from present law as they are no longer defined terms under R.S. 46:1403 or any other provision of present law. (See Acts 2013, No. 179)
- (3) With regard to "residential home", which is currently defined by R.S. 46:1403, proposed law retains present law.
- (4) With regard to "family child day care home", which is no longer a defined term under present law, proposed law amends present law to refer to such places as any residence in which child

care services are provided by a family child care provider or in-home provider who is registered pursuant to present law (R.S. 17:407.61 et seq.).

- (5) With regard to "child care facility", which is undefined under present and prior law, proposed law removes this term from present law.

(Amends R.S. 14:91.1(A), 91.2(A)(2) and (3) and (B), 91.3(A), and 91.4(A) and (B) and R.S. 15:538(D)(1)(b) and (c) and (6)(b) and (c))