

2016 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE PYLANT

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

1 AN ACT

2 To enact R.S. 14:91.15, relative to offenses affecting health of minors; to create the crime
3 of unlawful operation of an unlicensed child day care center; to provide definitions;
4 to provide criminal penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:91.15 is hereby enacted to read as follows:

7 §91.15. Unlawful operation of an unlicensed child day care center

8 A. Unlawful operation of an unlicensed child day care center is any of the
9 following:

10 (1) The intentional operation of a child day care center without a license as
11 provided for in Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes
12 of 1950, comprised of R.S. 17:407.31 through 407.53.

13 (2) The continued operation of a child day care center after notification by
14 the Department of Education that the person operating the facility should seek a
15 license as provided for in Part X-B of Chapter 1 of Title 17 of the Louisiana Revised
16 Statutes of 1950, comprised of R.S. 17:407.31 through 407.53.

17 (3) The continued operation of a child day care center after the Department
18 of Education has revoked a license to operate a child day care center as provided for
19 in Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950,
20 comprised of R.S. 17:407.31 through 407.53.

- 1 B. For the purposes of this Section, "child day care center" means any place
2 or facility operated by any institution, political subdivision, society, agency,
3 corporation, person or persons, or any other group for the purpose of providing care,
4 supervision, and guidance of seven or more children, not including those related to
5 the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at
6 least twelve and one-half hours in a continuous seven-day week. If a child day care
7 center provides transportation or arranges for transportation to and from the center,
8 either directly or by contract with third parties, all hours during which a child is
9 being transported shall be included in calculating the hours of operation.
- 10 C. Whoever commits the crime of unlawful operation of an unlicensed child
11 day care center shall be fined not more than one thousand dollars, imprisoned for not
12 more than six months, or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 197 Original

2016 Regular Session

Pylant

Abstract: Creates the crime of unlawful operation of a child day care center.

Proposed law provides that unlawful operation of an unlicensed child day care center is any of the following:

- (1) The intentional operation of a child day care center without a license.
- (2) The continued operation of a child day care center after notification by the Dept. of Education that the person operating the facility should seek a license.
- (3) The continued operation of a child day care center after the Dept. of Education has revoked a license.

Proposed law provides a penalty of a fine of not more than \$1,000, imprisonment for not more than six months, or both.

(Adds R.S. 14:91.15)