

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.

13           D. Notwithstanding any other provision of law to the contrary, the  
14           Department of Education shall be responsible for the investigation of violations of  
15           the provisions of this Section. The Department of Education shall conduct any  
16           necessary investigation, make a determination with respect to licensing status, and  
17           collect any evidence necessary with respect to violations of the provisions of this  
18           Section. All evidence and findings by the Department of Education shall be  
19           submitted to a law enforcement agency for any arrest for a violation of the provisions  
20           of this Section.

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#### 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)]

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HB 197 Engrossed

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.

Proposed law provides that the Dept. of Education shall conduct any necessary investigation, make a determination with respect to licensing status, and collect any evidence necessary with respect to violations of proposed law. Evidence and findings by the Dept. of Education shall 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.