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## DIGEST

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HB 197 Reengrossed

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 for the following penalties:

- (1) First offense - a fine of not more than \$1,000, imprisonment for not more than six months, or both.
- (2) Second offense - A fine of not more than \$2,500, imprisonment for not more than six months, or both. Provides that the violator shall be ineligible to apply for a day care license for up to 24 months.
- (3) Third offense - A fine of not more than \$5,000, imprisonment for not more than 12 months, or both. Provides that the violator shall be ineligible to apply for a day care license for up to 24 months.

Proposed law provides that the Dept. of Education shall conduct any necessary investigation, determine whether a license is required by present law, and determine if the center is operating without a valid license. Requires the department to determine the 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.

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.