

2016 Regular Session

SENATE BILL NO. 397

BY SENATOR JOHNS

FEES/LICENSES/PERMITS. Provides relative to the licensing of child residential facilities.  
(8/1/16)

1 AN ACT

2 To amend and reenact R.S. 46:1403(4), 1404(A), 1406(A) and 1416 and to enact R.S.  
3 46:1403(12) and (13), relative to the licensing of child residential facilities; to  
4 provide definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:1403(4), 1404(A), 1406(A) and 1416 are hereby amended and  
7 reenacted and R.S. 46:1403(12) and (13) are hereby enacted to read as follows:

8 §1403. Definitions

9 As used in this Chapter, the following definitions shall apply unless the  
10 context clearly states otherwise:

11 \* \* \*

12 (4) "License type" means the type of license applied for or held by a  
13 specialized provider, which shall include Type 1, **Type II**, and Type IV.

14 \* \* \*

15 **(12) "Victim of human trafficking" means a person who has not yet**  
16 **reached the age of twenty-one or otherwise been legally emancipated who has**  
17 **been determined by a court of competent jurisdiction or is the subject of an**

1 **order issued pursuant to R.S. 28:50 et seq.**

2 **(13) "Type II license" means a license held by a residential facility home**  
3 **whose residents consist solely of victims of human trafficking.**

4 \* \* \*

5 §1404. Requirement of license

6 A. All specialized providers, including facilities owned or operated by any  
7 governmental, profit, nonprofit, private, or church agency, shall be licensed.  
8 Specialized provider licenses shall be of ~~two~~ **three** types: Type I, **Type II** and Type  
9 IV.

10 \* \* \*

11 §1406. Licenses; application; temporary or provisional; fees

12 A. Application for licensure of a new specialized provider shall be made by  
13 the specialized provider to the department upon forms furnished by the department.  
14 Upon receipt of the application for a license and verification that minimum  
15 requirements for such license as established by rule are satisfied, and that the  
16 specialized provider is in compliance with all other state and local laws and  
17 regulations, the department shall issue a Type I, **Type II** or Type IV license for such  
18 period as may be provided for by rule.

19 \* \* \*

20 §1416. Special, temporary, or continued care for children

21 Any institution, society, agency, corporation, facility, person or persons, or  
22 any other group licensed in accordance with the provisions of this Chapter may  
23 receive children **or victims of human trafficking** from their parents or legal  
24 guardians or from the courts for special, temporary, or continued care.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Mary Dozier O'Brien.

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SB 397 Engrossed DIGEST 2016 Regular Session Johns

Present law provides no definitions for victims of human trafficking in the provisions regarding the licensing of child residential facilities or the licensing of facilities that accept such persons.

Proposed law provides a definition for the term "victims of human trafficking" and provides for the care of those persons in child residential facilities.

Proposed law provides for a license for facilities dedicated solely to victims of human trafficking.

Effective August 1, 2016.

(Amends R.S. 46:1403(4), 1404(A), 1406(A) and 1416; adds R.S. 46:1403(12) and (13))