

2026 Regular Session

SENATE BILL NO. 46

BY SENATORS REESE, ABRAHAM, BARROW, CLOUD, KLEINPETER, MIGUEZ
AND MORRIS

CRIME/PUNISHMENT. Creates the crime of unlawful operation of a group home. (8/1/26)

AN ACT

To enact R.S. 14:93.6, relative to offenses affecting the health and safety of persons with infirmities; to create the crime of unlawful operation of a group home; to provide for elements of the crime; to provide for definitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:93.6 is hereby enacted to read as follows:

§93.6. Unlawful operation of a group home

A. It shall be unlawful for any person or entity to operate an unlicensed group home.

B. For purposes of this Section:

(1) "Affiliate" means any person or entity contracted with, employed by, or acting in conjunction with an operator.

(2) "Non-related individuals" means two or more individuals who are not related by consanguinity, marriage, or adoption.

(3) "Operator" means any person or entity that owns or manages an unlicensed group home in any manner.

1 (4) "Residents" means non-related individuals who reside in a single
2 dwelling and receive assistance with the activities of their daily living.

3 (5) "Unlicensed group home" means any residence not licensed or
4 permitted by any state or local licensing or permitting authority that houses two
5 or more residents over whom the operator exercises control in any manner, or
6 control over the residents' assets. A showing that the operator or an affiliate of
7 the operator has obtained power of attorney over any resident's assets, is the
8 payee or otherwise directly or indirectly receives any federal or state
9 government benefits on behalf of any resident, or is any resident's responsible
10 party, responsible representative, or representative payee on any government
11 benefit received on behalf of the resident, is sufficient to prove the operator
12 exercises control over the resident or his assets.

13 C. Whoever violates this Section shall be sentenced as follows:

14 (1) If the conditions in the unlicensed group home would not lead to
15 unjustifiable pain or suffering, the offender shall be fined not more than one
16 thousand dollars, or imprisoned for not more than six months, or both.

17 (2) Where the conditions in the unlicensed group home would likely lead
18 to or actually caused unjustifiable pain, malnourishment, or suffering while a
19 resident resided in the home, the offender shall be fined not more than ten
20 thousand dollars, or imprisoned, with or without hard labor, for not more than
21 ten years, or both. At least one year of the sentence imposed shall be served
22 without the benefit of parole, probation, or suspension of sentence.

23 (3) Where the conditions in the unlicensed group home contributed to a
24 resident's death, the offender shall be imprisoned, at hard labor, for not less
25 than five years nor more than forty years. At least three years of the sentence
26 imposed shall be served without benefit of probation or suspension of sentence.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 46 Engrossed

2026 Regular Session

Reese

Proposed law creates the crime of unlawful operation of a group home and defines "affiliate", "non-related individuals", "operator", "residents", and "unlicensed group home".

Proposed law provides that an offender will be sentenced as follows:

- (1) If the conditions in the unlicensed group home would not lead to unjustifiable pain or suffering, the offender will be fined not more than \$1,000, or imprisoned for up to six months, or both.
- (2) Where the conditions in the unlicensed group home would likely lead to or actually caused unjustifiable pain, malnourishment, or suffering while a resident resided in the home, the offender will be fined not more than \$10,000, or imprisoned, with or without hard labor, for not more than 10 years, or both. At least one year of the sentence imposed must be served without the benefit of parole, probation, or suspension of sentence.
- (3) Where the conditions in the home contributed to a resident's death, the offender will be imprisoned, at hard labor, for not less than five years nor more than 40 years. At least three years of the sentence imposed must be served without benefit of probation or suspension of sentence.

Effective August 1, 2026.

(Adds R.S. 14:93.6)