

SENATE BILL NO. 46

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

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 **§93.6. Unlawful operation of a group home**

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

11 **B. For purposes of this Section:**

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

14 **(2) "Nonrelated individuals" means two or more individuals who are not**
15 **related by consanguinity, marriage, or adoption.**

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

18 **(4) "Residents" means nonrelated individuals who reside in a single**
19 **dwelling and receive assistance with the activities of their daily living.**

20 **(5) "Unlicensed group home" means any residence not licensed or**
21 **permitted by any state or local licensing or permitting authority that houses two**
22 **or more residents over whom the operator exercises control in any manner, or**
23 **control over the residents' assets. A showing that the operator or an affiliate of**
24 **the operator has obtained power of attorney over any resident's assets, is the**
25 **payee or otherwise directly or indirectly receives any federal or state**
26 **government benefits on behalf of any resident, or is any resident's responsible**

1 party, responsible representative, or representative payee on any government
 2 benefit received on behalf of the resident, is sufficient to prove the operator
 3 exercises control over the resident or his assets. For purposes of this Section,
 4 rental payments received from the United States Department of Housing and
 5 Urban Development and security deposits paid pursuant to the lease agreement
 6 shall not be considered assets.

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

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

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

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____