
DIGEST

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Barrow

HB No. 982

Abstract: Provides relative to the standards, licensing, and disclosure requirements of juvenile detention facilities.

Present law provides relative to the licensing standards of juvenile detention facilities and requires all juvenile detention facilities to be licensed pursuant to the provisions of present law by Jan. 1, 2013.

Proposed law provides for the following:

- (1) The assessment of an annual licensing fee for all detention facilities.
- (2) Penalties for the operation of a juvenile detention facility without a valid license.
- (3) Authorizes DCFS to seek injunctive relief in addition to the penalties imposed by proposed law.
- (4) Authorizes DCFS to issue a written warning that includes a corrective action plan to any facility which operations in violation of present law and provides that the failure to implement such corrective action plan may result in the assessment of a civil fine not to exceed \$250 per day, license revocation, or both; the aggregate of such civil fines shall not exceed \$2,000 for any consecutive 12-month period.
- (5) Directs the department to adopt rules to provide factors for determining the type of sanctions imposed, to provide notice to the facility of any violation, and to provide for an appeal procedure including judicial review.
- (6) Creates the "Juvenile Detention Licensing Fund" where all civil fines collected pursuant to the provisions of proposed law shall be deposited and shall be used for the education and training of employees, staff, or other personnel of juvenile detention facilities.
- (7) Requires any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility to report whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect.

Effective Jan. 1, 2013.

(Adds R.S. 15:1110(F), 1110.1, and 1110.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Increased the amount of the fines imposed for the operation of a juvenile detention facility without a valid license.
2. Amended provision relative to the operation of juvenile facilities in violation of present law to authorize the department to issue a written warning which includes a corrective action plan in lieu of assessing civil fines.
3. Added provision which states that the failure to implement the corrective action plan issued pursuant to present law may result in the assessment of a civil fine not to exceed \$250 per day, license revocation, or both; the aggregate of such civil fines shall not exceed \$2,000 for any consecutive 12-month period.
4. Added the failure to implement a corrective action plan to the list of factors that the department considers in determining the type of sanctions to be imposed.
5. Made technical corrections to incorporate these changes.

House Floor Amendments to the engrossed bill.

1. Removed provision which authorized criminal prosecution in addition to the penalties imposed pursuant to proposed law.
2. Amended the specific factors that shall be considered in the department's determination of the type of sanction to impose.
3. Removed the provision which stated that the aggregate fines assessed pursuant to proposed law shall not exceed \$5,000.
4. Removed provisions which required any appeal of a department decision to be heard in a summary proceeding and required that such proceedings be given precedence over other pending matters.
5. Removed the provision which required the juvenile detention facility to furnish bond with its application for an appeal of a department decision.
6. Amended the list of exclusive uses for which the monies in the "Juvenile Detention Licensing Trust Fund" are available.

7. Made technical corrections.