

ACT No. 411

2016 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE PYLANT

AN ACT

To enact R.S. 14:91.15, relative to offenses affecting health of minors; to create the crime of unlawful operation of an unlicensed child day care center; to provide definitions; to provide criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.15 is hereby enacted to read as follows:

§91.15. Unlawful operation of an unlicensed child day care center

A. It shall be unlawful for any person or other entity to do either of the following:

(1) Continue to operate a child day care center after notification by the Department of Education that the person or other entity operating the facility should seek a license as provided for in Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.31 through 407.53.

(2) Continue to operate a child day care center after the Department of Education has revoked a license to operate a child day care center that was previously issued to the person or other entity as provided for in Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.31 through 407.53.

1 B. For the purposes of this Section, "child day care center" means any place
2 or facility operated by any institution, political subdivision, society, agency,
3 corporation, person or persons, or any other group for the purpose of providing care,
4 supervision, and guidance of seven or more children, not including those related to
5 the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at
6 least twelve and one-half hours in a continuous seven-day week. If a child day care
7 center provides transportation or arranges for transportation to and from the center,
8 either directly or by contract with third parties, all hours during which a child is
9 being transported shall be included in calculating the hours of operation.

10 C. Whoever commits the crime of unlawful operation of an unlicensed child
11 day care center shall be subject to the following penalties:

12 (1) For a first offense violation of this Section, the violator shall be fined not
13 more than one thousand dollars or imprisoned for not more than six months, or both.

14 (2) For a second offense violation of this Section, the violator shall be fined
15 not more than two thousand five hundred dollars or imprisoned for not more than six
16 months, or both. Furthermore, the violator shall be ineligible to apply for a license
17 to operate a child day care facility or operate a child day care facility for up to
18 twenty-four months.

19 (3) For a third or subsequent offense violation of this Section, the violator
20 shall be fined not more than five thousand dollars or imprisoned for not more than
21 twelve months, or both. Furthermore, the violator shall be ineligible to apply for a
22 license to operate a child day care facility or operate a child day care facility for up
23 to forty-eight months.

24 D. In accordance with R.S. 17:407.31 et seq., the Department of Education
25 shall be responsible for the investigation of any unlicensed day care center to
26 determine if the center is required by law to have a license issued by the department
27 and to determine if the center is operating without a valid license issued by the
28 department. After conducting any necessary investigation, the department shall
29 make a determination with respect to licensing status, and collect any evidence
30 necessary with respect to violations of the licensing laws. All evidence and findings

1 by the department shall be submitted to a law enforcement agency for any arrest for
2 a violation of the provisions of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____