

HOUSE BILL 1319

F1, O4

7lr2355

By: **Delegates A. Washington, Barron, Tarlau, and Valderrama**

Introduced and read first time: February 10, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Centers – Operating Without a License – Penalties**

3 FOR the purpose of increasing the penalties imposed for operating a child care center
4 without a license; establishing that it is a misdemeanor subject to certain penalties
5 to operate a child care center without a license if a child suffers serious physical
6 injury or death in the center; and generally relating to child care centers.

7 BY repealing and reenacting, without amendments,

8 Article – Education

9 Section 9.5–405(a) and 9.5–416(a)

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Education

14 Section 9.5–417

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Education**

20 9.5–405.

21 (a) Except as otherwise provided in this subtitle, a person shall be licensed by the
22 Department before the person may operate a child care center in this State.

23 9.5–416.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as otherwise provided in this subtitle, a person may not operate a child
2 care center in this State unless licensed by the Department.

3 9.5-417.

4 (A) **[A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A** person
5 who violates § 9.5-405(a) or § 9.5-416(a) of this subtitle is guilty of a misdemeanor and on
6 conviction is subject to:

7 (1) A fine not exceeding ~~[\$1,500]~~ **\$2,500** for the first violation; and

8 (2) A fine not exceeding ~~[\$2,500]~~ **\$5,000** for a second or subsequent
9 violation.

10 (B) **A PERSON WHO VIOLATES § 9.5-405(A) OR § 9.5-416(A) OF THIS**
11 **SUBTITLE WITH RESPECT TO A CHILD CARE CENTER IN WHICH A CHILD SUFFERS**
12 **SERIOUS PHYSICAL INJURY OR DEATH IS GUILTY OF A MISDEMEANOR AND ON**
13 **CONVICTION IS SUBJECT TO:**

14 (1) **FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 60**
15 **DAYS AND A FINE NOT EXCEEDING \$2,500; AND**

16 (2) **FOR A SECOND OR SUBSEQUENT VIOLATION, IMPRISONMENT NOT**
17 **EXCEEDING 1 YEAR AND A FINE NOT EXCEEDING \$5,000.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2017.