
By: **Delegates Patterson, Haynes, Hubbard, Kelley, Murray, Parker, Taylor,
and V. Turner**

Introduced and read first time: February 2, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Unregistered Family Day Care Homes and Unlicensed Child**
3 **Care Centers - Penalties**

4 FOR the purpose of altering the criminal penalties for operating an unregistered
5 family day care home; altering the criminal penalties for operating an
6 unlicensed child care center; requiring fines collected for certain violations to be
7 disbursed to the county or municipal corporation where the violation occurred;
8 and generally relating to penalties for operating an unregistered family day care
9 home or unlicensed child care center.

10 BY repealing and reenacting, without amendments,

11 Article - Family Law
12 Section 5-552, 5-574(a), and 5-582
13 Annotated Code of Maryland
14 (2004 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article - Family Law
17 Section 5-557 and 5-583
18 Annotated Code of Maryland
19 (2004 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Family Law**

23 5-552.

24 (a) Except as otherwise provided in this section, a family day care home may
25 not operate unless it is registered.

26 (b) A family day care home is not required to be registered if the day care
27 provider:

1 (1) is related to each child by blood or marriage;

2 (2) is a friend of each child's parents or legal guardian and the care is
3 provided on an occasional basis; or

4 (3) has received the care of the child from a child placement agency
5 licensed by the Administration or by a local department.

6 (c) A person may not advertise a family day care home or family day care
7 service unless the family day care home is registered under the provisions of this Part
8 V of this subtitle.

9 (d) An employee of the Administration charged with the investigation and
10 enforcement of child care regulations or the chief licensing agent in a regional office of
11 the Administration may serve a civil citation to a person found in violation of this
12 section.

13 5-557.

14 (A) A person who violates § 5-552 of this subtitle is guilty of a misdemeanor
15 and on conviction is subject to [a fine not exceeding \$1,000]:

16 (1) A FINE NOT EXCEEDING \$2,500 FOR THE FIRST VIOLATION;

17 (2) A FINE NOT EXCEEDING \$5,000 FOR THE SECOND VIOLATION; AND

18 (3) FOR A THIRD OR SUBSEQUENT VIOLATION, IMPRISONMENT NOT
19 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

20 (B) FINES COLLECTED FOR VIOLATIONS OF THIS SECTION SHALL BE
21 DISBURSED TO THE COUNTY OR MUNICIPAL CORPORATION WHERE THE VIOLATION
22 OCCURRED.

23 5-574.

24 (a) Except as otherwise provided in this Part VII of this subtitle, a person
25 shall be licensed by the Department before the person may operate a child care center
26 in this State.

27 5-582.

28 Except as otherwise provided in this subtitle, a person may not operate a child
29 care center in this State unless licensed by the Department.

30 5-583.

31 (A) A person who violates § 5-574(a) or § 5-582 of this subtitle is guilty of a
32 misdemeanor and on conviction is subject to [a fine not exceeding \$1,000]:

33 (1) A FINE NOT EXCEEDING \$2,500 FOR THE FIRST VIOLATION;

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1 (2) A FINE NOT EXCEEDING \$5,000 FOR THE SECOND VIOLATION; AND

2 (3) FOR A THIRD OR SUBSEQUENT VIOLATION, IMPRISONMENT NOT
3 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

4 (B) FINES COLLECTED FOR VIOLATIONS OF THIS SECTION SHALL BE
5 DISBURSED TO THE COUNTY OR MUNICIPAL CORPORATION WHERE THE VIOLATION
6 OCCURRED.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.