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By: **Delegates Patterson, Benson, Conroy, Haynes, Murray, Parker, and  
V. Turner**

Introduced and read first time: January 26, 2006  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 20, 2006

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CHAPTER \_\_\_\_\_

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; and generally relating to penalties for operating an  
7 unregistered family day care home and unlicensed child care center.

8 BY repealing and reenacting, without amendments,  
9 Article - Family Law  
10 Section 5-552, 5-574(a), and 5-582  
11 Annotated Code of Maryland  
12 (2004 Replacement Volume and 2005 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Family Law  
15 Section 5-557 and 5-583  
16 Annotated Code of Maryland  
17 (2004 Replacement Volume and 2005 Supplement)

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

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**Article - Family Law**

2 5-552.

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

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

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

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

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

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

15 (d) An employee of the Department charged with the investigation and  
16 enforcement of child care regulations may serve a civil citation to a person found in  
17 violation of this section.

18 5-557.

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

21 (1) A FINE NOT EXCEEDING ~~\$2,500~~ \$1,500 FOR THE FIRST VIOLATION;  
22 AND

23 (2) A FINE NOT EXCEEDING ~~\$5,000~~ \$2,500 FOR ~~THE SECOND~~ A SECOND OR  
24 SUBSEQUENT VIOLATION; AND

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

27 5-574.

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

31 5-582.

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

1 5-583.

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

4 (1) A FINE NOT EXCEEDING ~~\$2,500~~ \$1,500 FOR THE FIRST VIOLATION;  
5 AND

6 (2) A FINE NOT EXCEEDING ~~\$5,000~~ \$2,500 FOR ~~THE SECOND~~ A SECOND OR  
7 SUBSEQUENT VIOLATION; ~~AND~~

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2006.