

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 846*

Short Title: Illegal Child Care Facilities.

(Public)

Sponsors: Representatives Alexander; Insko, Jeffus, and McLawhorn.

Referred to: Judiciary I.

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A FELONY TO KNOWINGLY OPERATE A CHILD CARE
3 FACILITY ILLEGALLY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 110-103 reads as rewritten:

6 "§ 110-103. Criminal penalty.

7 ~~Any person who violates the provisions of G.S. 110-98 through G.S. 110-99 or G.S.~~
8 ~~110-102 shall be guilty of a Class 1 misdemeanor, except that any person operating a~~
9 ~~family child care home as defined in G.S. 110-86(3) who violates the provisions of G.S.~~
10 ~~110-98 through G.S. 110-99 or G.S. 110-102 shall be guilty of a Class 3 misdemeanor.~~

11 (a) Any person who operates a child care facility as defined in G.S. 110-86(3)
12 and who provides child care in knowing and willful violation of the provisions of this
13 Article is guilty of a Class I felony.

14 (b) Any person who operates a child care facility as defined in G.S. 110-86(3)
15 and knowingly and willfully provides child care for more than two children for more
16 than four hours per day on two or more consecutive days is guilty of a Class I felony.

17 (c) A violation of subsection (a) or (b) of this section that results in the creation
18 of an unreasonable risk of harm to a child attending the child care facility shall be
19 punished as a Class H felony.

20 (d) A violation of subsection (a) or (b) of this section that results in serious injury
21 to a child attending the child care facility shall be punished as a Class H felony.

22 (e) Any person who violates this section after being found guilty of a prior
23 violation of subsection (a) or (b) of this section shall be guilty of a Class H felony.

24 (f) This section shall not apply to any person who, within 24 hours of
25 notification that the person has violated the provisions of this Article, complies with all
26 applicable laws and rules and where there is no evidence that a child has been harmed as
27 a result of the violation."

28 SECTION 2. This act is effective when it becomes law.