

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 877  
Judiciary I Committee Substitute Adopted 4/23/03  
Third Edition Engrossed 4/29/03

Short Title: Child Care Facilities/Penalties.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE  
3 FACILITIES ACT.

4 The General Assembly of North Carolina enacts:

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

6 "§ 110-103. Criminal penalty.

7 (a) Any person who violates the provisions of G.S. 110-98 through G.S. 110-99  
8 or G.S. 110-102 shall be guilty of a Class 1 misdemeanor, except that any person  
9 operating a family child care home as defined in G.S. 110-86(3) who violates the  
10 provisions of G.S. 110-98 through G.S. 110-99 or G.S. 110-102 shall be guilty of a  
11 Class 3 misdemeanor. misdemeanor. Violations of G.S. 110-98(2), 110-99(b),  
12 110-99(c), and 110-102 are exempted from the provisions of this subsection.

13 (b) Any person who operates a child care facility and who:

14 (1) Willfully violates the provisions of G.S. 110-99(a), or

15 (2) Willfully violates the provisions of this Article while providing child  
16 care for three or more children, for more than four hours per day on  
17 two consecutive days, is guilty of a Class I felony.

18 (c) Any person who violates the provisions of this Article and, as a result of the  
19 violation, causes serious injury to a child attending the child care facility, is guilty of a  
20 Class H felony.

21 (d) Any person who violates subsection (a) of this section, and has a prior  
22 conviction for violating subsection (a), shall be guilty of a Class H felony."

23 SECTION 2. G.S. 110-99 reads as rewritten:

24 "§ 110-99. Display Possession and display of license.

25 (a) It shall be unlawful for a child care facility to operate without a current  
26 license authorized for issuance under G.S. 110-88.

27 (a)(b) Each child care facility shall display its current license in a prominent place at  
28 all times so that the public may be on notice that the facility is licensed and may observe

1 any rating which may appear on the license. Any license issued to a child care facility  
2 under this Article shall remain the property of the State and may be removed by persons  
3 employed or designated by the Secretary in the event that the license is revoked or  
4 suspended, or in the event that the rating is changed.

5 ~~(b)~~(c) A person who provides only drop-in or short-term child care as described in  
6 G.S. 110-86(2)(d), excluding drop-in or short-term child care provided in churches,  
7 shall notify the Department that the person is providing only drop-in or short-term child  
8 care. Any person providing only drop-in or short-term child care as described in G.S.  
9 110-86(2)(d), excluding drop-in or short-term child care provided in churches, shall  
10 display in a prominent place at all times a notice that the child care arrangement is not  
11 required to be licensed and regulated by the Department and is not licensed and  
12 regulated by the Department."

13 **SECTION 3.** This act becomes effective December 1, 2003, and applies to  
14 offenses committed on or after that date.