

JAN 19 2018

A BILL FOR AN ACT

RELATING TO CHILD CARE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to subpart B of part VIII to be
3 appropriately designated and to read as follows:

4 "§346- Failure to properly care for a child resulting in
5 death or injury. (a) Any person who operates, maintains, or
6 conducts a group child care home or group child care center in
7 which a child dies or is injured as a result of failure to
8 properly care for the child shall be guilty of a misdemeanor.

9 (b) For the purposes of this section, failure to properly
10 care for a child shall be presumed when a person who operates,
11 maintains, or conducts a group child care home or group child
12 care center violates a statute, rule, or regulation relating to
13 child care.

14 (c) Notwithstanding any provision of section 346-164 to
15 the contrary, any license or temporary permit issued under this
16 part to a person convicted of an offense under this section
17 shall be revoked immediately upon conviction."



1 SECTION 2. Section 346-164, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§346-164 Suspension and revocation of licenses and
4 permits; reissuance. Any license or temporary permit issued
5 under this subpart may be suspended or revoked by the department
6 of human services after due notice and hearing, the provisions
7 for which shall be made in the rules. However, upon a
8 determination by the department that conditions exist which
9 constitute an imminent danger to the health, welfare, or safety
10 of the children cared for, a license or temporary permit may be
11 immediately suspended pending a hearing by the department as
12 herein provided. The department, in its discretion, may reissue
13 a license or temporary permit which has been suspended or
14 revoked upon satisfying itself that minimum standards have been
15 or will be met [-]; provided that the department shall not
16 reissue a license or temporary permit which has been revoked
17 pursuant to section 346- (c) unless the conviction that
18 resulted in the revocation is vacated."




19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



S.B. NO. 2539

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
4

INTRODUCED BY: 





S.B. NO. 2539

Report Title:

Licensed Child Care Providers; Failure to Properly Care; Injury or Death; Misdemeanor

Description:

Establishes a misdemeanor offense when a child under the care of a licensed child care provider is injured or killed as a result of failure to properly care for the child. Requires that a child care provider's license be immediately revoked upon conviction of the new offense.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

