
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. This Act shall be known and may be cited as
2 "Peyton and Zoe's Law."

3 SECTION 2. The legislature finds that child care providers
4 are a vital component of our local communities, providing
5 benefits to both children and parents. Child care providers
6 furnish an environment that promotes mental, social, emotional,
7 and physical development in children. This environment allows
8 children to advance their verbal and intellectual skills.
9 Further, child care providers allow parents to build social
10 capital with other child-rearing parents, promoting social and
11 psychological benefits for the parents. Child care providers
12 also provide parents with the flexibility to pursue their own
13 careers and earn the necessary income to provide for their
14 children.

15 However, the unique responsibility of caretakers of
16 children requires that child care providers be held accountable
17 for actions that would endanger the health and safety of the



1 children. The legislature notes that there are various
2 administrative requirements in existence designed to protect the
3 welfare and safety of children and criminal provisions designed
4 to deter and punish physical harms to children. Despite these
5 stringent protections, instances still occur in which egregious
6 conduct results in the serious or substantial bodily injury of a
7 child. Two such instances occurred in the cases of Peyton
8 Valiente and Zoe Wurtz.

9 While in the care of a family child care home provider,
10 seventeen-month-old Peyton was rushed to the hospital after
11 suffering from seizures. A medical team discovered that Peyton
12 had a build-up of blood in his brain, his brain shifted 1.3
13 centimeters from its normal center line, and that he had retinal
14 bleeding and bruises on his back. The medical experts' review
15 suggested that Peyton suffered from some type of abuse while at
16 his child care provider.

17 While also in the care of a family child care home
18 provider, six-month-old Zoe, dressed in a fully-zipped onesie,
19 was left in a car seat in a hot room with a blanket on her lap.
20 She was found unresponsive by the provider. Medical personnel



1 measured Zoe's temperature at 103.6 degrees Fahrenheit. Zoe's
2 death was determined to be accidental due to overheating.

3 The purpose of this Act is to impose enhanced fines for
4 child care providers in violation of part VIII of Chapter 346,
5 Hawaii Revised Statutes, and to impose criminal liability on any
6 intentional, knowing, or reckless act by a person who is a child
7 care provider or who is employed by a child care provider, that
8 results in serious or substantial injury to a minor.

9 SECTION 3. Section 346-156, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~§346-156~~ **Penalty.** (a) Any person ~~[violating any~~
12 ~~provision of]~~ who violates this chapter or any rule ~~[made~~
13 ~~pursuant thereto]~~ adopted pursuant to this chapter shall be
14 fined as follows:

- 15 (1) Up to \$1,000 for the first violation; and
16 (2) Up to \$3,000 for the second violation and each
17 succeeding violation.

18 (b) Notwithstanding subsection (a), any person who
19 violates part VIII of this chapter or any rule adopted pursuant
20 thereto shall be fined as follows:

- 21 (1) Up to \$5,000 for the first violation; and



1 (2) Up to \$10,000 for the second violation and each
2 succeeding violation.

3 (c) In addition to the penalties under subsection (b), any
4 person who intentionally, knowingly, or recklessly violates part
5 VIII of this chapter or any rule adopted pursuant to part VIII
6 of this chapter that results in serious or substantial bodily
7 injury to a minor shall be guilty of a class C felony.

8 (d) Nothing in this section shall prohibit the county
9 police departments, county prosecutors, or state law enforcement
10 agencies from investigating and enforcing criminal penalties of
11 part VIII of this chapter."

12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: John M. [Signature]
[Signature]
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H.B. NO. 2528

Report Title:

Human Services; Child Care Home Providers; Criminal Liability;
Peyton and Zoe's Law

Description:

Imposes enhanced fines for violations of part VIII of Chapter 346, Hawaii Revised Statutes, by a child care provider. Adds criminal liability for an intentional, knowing, or reckless violation of part VIII of Chapter 346, Hawaii Revised Statutes, that results in the serious or substantial injury of a minor.

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