

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1167 Session of
2001

INTRODUCED BY LUCYK, YOUNGBLOOD, BELARDI, BEBKO-JONES, LAUGHLIN,
ALLEN, BELFANTI, CALTAGIRONE, CAWLEY, M. COHEN, DALEY,
GRUCELA, HARHAI, KELLER, McCALL, PRESTON, READSHAW, SHANER,
SOLOBAY, STABACK, TIGUE, TRELLO, C. WILLIAMS, WILT,
WOJNAROSKI AND CIVERA, MARCH 26, 2001

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 26, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining the offense of making false
3 or fraudulent statements for employment in or regarding
4 licensure or operation of a child day-care center or a family
5 child day-care home; and making repeals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 4915. False or fraudulent statements involving child day-care
11 centers or family child day-care homes.

12 (a) Offense defined.--A person commits a felony of the third
13 degree if he knowingly does any of the following:

14 (1) Fails, by false statement, misrepresentation,
15 impersonation or other fraudulent means, to disclose in any
16 application for voluntary or paid employment or licensure or
17 registration all information required under Article X of the
18 act of June 13, 1967 (P.L.31, No.21), known as the Public

1 Welfare Code, and related regulations and 23 Pa.C.S. § 6344
2 (relating to information relating to prospective child-care
3 personnel) and related regulations or a material fact used in
4 making a determination as to such person's qualifications to
5 be a facility person, owner or operator of a child day-care
6 center or a family child day-care home.

7 (2) Operates, maintains, conducts or attempts to operate
8 a child day-care center without having a license issued by
9 the department.

10 (3) Operates, maintains, conducts or attempts to operate
11 a family child day-care home without registering with the
12 department.

13 (4) Operates, maintains, conducts or attempts to operate
14 a child day-care center or a family child day-care home under
15 a license or registration that is suspended, revoked or
16 terminated.

17 (5) Misrepresents, by act or omission, to a parent or
18 guardian who has a child placed in the facility or is
19 inquiring as to placing a child in the facility, or to a
20 representative of the department, or to a representative of a
21 law enforcement agency, that a child day-care center or
22 family child day-care home is duly licensed or registered
23 pursuant to the laws of this Commonwealth without being so
24 licensed or registered.

25 (6) Makes any other misrepresentation, by act or
26 omission, regarding the licensure or operation of a child
27 day-care center or family child day-care home to a parent or
28 guardian who has a child placed in the facility or is
29 inquiring as to placing a child in the facility, or to a
30 representative of the department, or to a representative of a

1 law enforcement agency, including, but not limited to, any
2 misrepresentation as to:

3 (i) The number of children at the child day-care
4 center or the family day-care home.

5 (ii) The part of the child day-care center or family
6 child day-care home designated for child care.

7 (iii) The qualifications or credentials or training
8 of a facility person, owner or operator.

9 (b) Parent or guardian reliance on misrepresentation.--If
10 any facility person, owner or operator of a child day-care
11 center or family day-care home makes any misrepresentation in
12 violation of this section to a parent or guardian who has placed
13 a child in the child day-care center or family day-care home,
14 and the parent or guardian relied upon the misrepresentation,
15 and the child suffers great bodily harm, permanent
16 disfigurement, permanent disability or death as a result of an
17 intentional act or negligence by the facility person, owner or
18 operator, then the facility person, owner or operator commits a
19 felony of the second degree.

20 (c) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection:

23 "Child day care." Care in lieu of parental care given for
24 part of the 24-hour day to children away from their own home.

25 "Child day-care center." The premises in which child day
26 care is provided at any one time for seven or more children
27 unrelated to the operator.

28 "Department." The Department of Public Welfare of the
29 Commonwealth.

30 "Facility person." A group supervisor, assistant group

1 supervisor, aide, volunteer, food service person, janitorial
2 person or another adult who serves in or is employed by a child
3 day-care center or a family day-care home.

4 "Family child day-care home" or "family day-care home." A
5 home other than the child's own home, operated for profit or
6 not-for-profit, in which child day care is provided at any time
7 to four through six children unrelated to the operator.

8 "Owner." The legal entity or individual who owns the child
9 day-care center or family day-care home.

10 "Operator." The legal entity or a person designated by the
11 legal entity to serve as the child day-care center director or
12 family day-care home administrator.

13 "Person." An individual, partnership, association or
14 corporation.

15 Section 2. Sections 1031 and 1078 of the act of June 13,
16 1967 (P.L.31, No.21), known as the Public Welfare Code, are
17 repealed.

18 Section 3. This act shall take effect in 60 days.