

Summary of reasons a person may be found ineligible for child care purposes

In accordance with BESE Bulletin 137 §1805:

- A. A person shall be ineligible for child care purposes if the person:
1. refuses to consent to a CCCBC-based determination of eligibility for child care purposes;
 2. knowingly makes a materially false or incomplete statement in connection with the CCCBC-based determination of eligibility for child care purposes;
 3. has been convicted of or plead guilty or *nolo contendere* to any of the crimes listed in R.S. 15:587.1(C), or those of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in R.S. 15:587.1(C); or
 4. is registered or required to be registered on the Louisiana sex offender and child predator registry, any other state sex offender registry, or the national sex offender registry.
- B. A person shall also be ineligible for child care purposes if upon the department's written request to DCFS after March 1, 2018, for information as to whether a person's name is on the state central registry within DCFS, the department receives written notice from DCFS that the person's name is recorded on the state central registry as a perpetrator for a justified finding of child abuse or neglect.
1. Until the required written notice is received from DCFS indicating that a person's name is recorded on the state central registry as a perpetrator for a justified finding of child abuse or neglect, the department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the CCCBC require a determination of ineligibility.
- C. A person may also be ineligible for child care purposes if upon the department's request for information from another state, the department receives from the state written notice that the person's name is recorded on that state's registry or repository of child abuse and neglect as having a finding of child abuse or neglect or written notice that the person is ineligible for child care purposes.
- D. In addition, for type III centers an owner, director, or director designee shall not have been convicted of, or pled guilty or *nolo contendere* to a felony, within the past 10 years, for any of the following crimes of fraud:
1. 18 USC 287 and 1341 and R.S. 14:67.11, R.S. 14:68.2, R.S. 14:70.1, R.S. 14:70.4, R.S. 14:70.5, R.S. 14:70.7, R.S. 14:70.8, R.S. 14:71, R.S. 14:71.1, R.S. 14:71.3, R.S. 14:72, R.S. 14:72.1.1, R.S. 14:72.4, R.S. 14:73.5, and R.S. 14:133.

Prohibited Criminal Offenses

Louisiana Law provides that no person who has been convicted of any of the following crimes or convictions for attempt or conspiracy to commit any of those offenses:

- May be hired by an early learning center as a volunteer, staff member, employee or independent contractor of any kind. [La. R.S. 17:407.42(A)].
- May be a registered family/in-home child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family/in-home child care provider, or live in the residence where care is provided by the registered family child care provider. [La. R.S. 17:407.71(A) (1)].
- May be a registered family/in-home child care provider, be an adult employed in the home or on the property of the home where care is provided by the registered family/in-home child care provider, or be any adult living in the home where care is provided by the registered family/in-home child care provider, who is not a

caregiver. For the purposes of this Paragraph, the term "caregiver" shall mean any person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child. [La. R.S. 17:407.71(A) (2)].

La. R.S. 15:587.1(C)

Laws current through June 1, 2018. Laws are subject to change. For most recent up-to-date information please see:

<http://www.legis.la.gov/Legis/LawSearch.aspx>

R.S. 14:30	First degree murder
R.S. 14:30.1	Second degree murder
R.S. 14:31,	Manslaughter
R.S. 14:32.6	First degree feticide
R.S. 14:32.7	Second degree feticide
R.S. 14:32.8	Third degree feticide
R.S. 14:42	First degree rape
R.S. 14:42.1	Second degree rape
R.S. 14:43	Third degree rape
R.S. 14:43.1	Sexual battery
R.S. 14:43.1.1	Misdemeanor sexual battery
R.S. 14:43.2	Second degree sexual battery
R.S. 14:43.3	Oral sexual battery
R.S. 14:43.4	Female genital mutilation
R.S. 14:43.5	Intentional exposure to AIDS virus
R.S. 14:43.6	Administration of medroxyprogesterone acetate MPA to certain sex offenders
R.S. 14:44	Aggravated kidnapping
R.S. 14:44.1	Second degree kidnapping
R.S. 14:44.2	Aggravated kidnapping of a child
R.S. 14:45	Simple kidnapping
R.S. 14:46.4	Re-homing of a child
R.S. 14:74	Criminal neglect of family* not paying child support
R.S. 14:78	Repealed by Acts 2014, No. 177, §2 and Acts 2014, No. 602, §7, eff. June 12, 2014.
R.S. 14:78.1	Repealed by Acts 2014, No. 177, §2 and Acts 2014, No. 602, §7, eff. June 12, 2014.
R.S. 14:79.1	Criminal abandonment
R.S. 14:80	Felony carnal knowledge of a juvenile
R.S. 14:80.1	Misdemeanor carnal knowledge of a juvenile
R.S. 14:81	Indecent behavior with juveniles
R.S. 14:81.1	Pornography involving juveniles
R.S. 14:81.1.1	Sexting
R.S. 14:81.2	Molestation of a juvenile or a person with a physical or mental disability
R.S. 14:81.3	Computer-aided solicitation of a minor

R.S. 14:81.4	Prohibited sexual conduct between educator and student
R.S. 14:81.5	Unlawful possession of video tape of protected persons under R.S. 15:440.1 et seq
R.S. 14:82	Prostitution
R.S. 14:82.1	Prostitution, persons under eighteen, additional offenses
R.S. 14:82.2	Purchase of commercial sexual activity
R.S. 14:83	Soliciting for prostitutes
R.S. 14:83.1	Inciting prostitution
R.S. 14:83.2	Promoting prostitution
R.S. 14:83.3	Prostitution by massage
R.S. 14:83.4	Massage
R.S. 14:84	Pandering
R.S. 14:85	Letting premises for prostitution
R.S. 14:85.1	Letting premises for obscenity Repealed by Acts 2008, No. 220, §13, eff. June 14, 2008 **
R.S. 14:86	Enticing persons into prostitution
R.S. 14:89	Crime against nature
R.S. 14:89.1	Aggravated crime against nature
R.S. 14:89.2	Crime against nature by solicitation
R.S. 14:92	Contributing to the delinquency of juveniles
R.S. 14:93	Cruelty to juveniles
R.S. 14:93.2.1	Child desertion
R.S. 14:93.3	Cruelty to persons with infirmities
R.S. 14:106	Obscenity
R.S. 14:282	Operation of places of prostitution prohibited
R.S. 14:283	Video voyeurism
R.S. 14:283.1	Voyeurism***
R.S. 14:284	Peeping Tom
R.S. 14:286	Sale of minor children and other prohibited activities
<u>Drug Offenses</u>	Not including possession under R.S. 40:966(C); 40:967(C); 40:968(C); 40:969(C) or 40:970(C)
R.S. 40:966A	Schedule I Marijuana/Heroin
R.S. 40:967A	Schedule II Cocaine
R.S. 40:968A	Schedule III
R.S. 40:969A	Schedule IV
R.S. 40:970A	Schedule V

* do not use any 14:74 convictions as prohibited offenses

** Repealed as unconstitutional any previous convictions are no longer prohibited

*** a second or subsequent conviction of R.S. 14:283.1 voyeurism, committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992.

Crimes of violence as defined in R.S.14:2B

R.S. 14:28.1	Solicitation for murder
R.S. 14:30	First degree murder
R.S. 14:30.1	Second degree murder
La. R.S. 14:31	Manslaughter
La. R.S. 14:34	Aggravated battery
La. R.S. 14:34.1	Second degree battery
La. R.S. 14:37	Aggravated assault
La. R.S. 14:38.1	Mingling harmful substances
La. R.S. 14:42	Aggravated or first degree rape
La. R.S. 14:42.1	Forcible or second degree rape
La. R.S. 14:43	Simple or third degree rape
La. R.S. 14:43.1	Sexual battery
La. R.S. 14:43.2	Second degree sexual battery
La. R.S. 14:43.5	Intentional exposure to AIDS
La. R.S. 14:44	Aggravated kidnapping
La. R.S. 14:44.1	Second degree kidnapping
La. R.S. 14:45	Simple kidnapping
La. R.S. 14:51	Aggravated arson
La. R.S. 14:55	Aggravated criminal damage to property
La. R.S. 14:60	Aggravated burglary
La. R.S. 14:64	Armed robbery
La. R.S. 14:64.1	First degree robbery
La. R.S. 14:65	Simple robbery
La. R.S. 14:65.1	Purse snatching
La. R.S. 14:66	Extortion
La. R.S. 14:37.1	Assault by drive-by shooting
La. R.S. 14:89.1	Aggravated crime against nature
La. R.S. 14:64.2	Carjacking
La. R.S. 14:94	Illegal use of weapons/dangerous instrumentality
La. R.S. 14:128.1	Terrorism
La. R.S. 14:34.7	Aggravated second degree battery
La. R.S. 14:37.2	Aggravated assault upon a peace officer
La. R.S. 14:37.4	Aggravated assault with a firearm
La. R.S. 14:64.3	Armed robbery; use of firearm

La. R.S. 14:64.4	Second degree robbery
La. R.S. 14:34.6	Disarming of a peace officer
La. R.S. 14:40.2	Stalking
La. R.S. 14:93.2.3	Second degree cruelty to juveniles
14La. R.S. 14:108.1	Aggravated flight from an officer
La. R.S. 14:34.2	Battery of a police officer
La. R.S. 14:46.3	Trafficking of children for sexual purposes
La. R.S. 14:46.2	Human trafficking
La. R.S. 14:62.8	Home invasion
La. R.S. 14:37.7	Domestic abuse aggravated assault
La. R.S. 14:32.1	Vehicular homicide**
La. R.S. 14:34.9.1	Aggravated assault upon a dating partner
La. R.S. 14:35.3	Domestic Abuse Battery punishable under 14:35.3 (M)(2) or (N)
La. R.S. 14:34.9	Battery of a dating partner punishable under 14:35.3 (L)(2) or (M)
La. R.S. 14:79	Subpart C (C)(1) or (C)(2) Violation of protective order if violation involves a battery or any crime of violence as defined by this Subsection against the person for whose benefit the protective order is in effect.
La. R.S. 14:32.9	Criminal abortion
La. R.S. 14:32.6	First degree feticide
La. R.S. 14:32.7	Second degree feticide
La. R.S. 14:32.8	Third degree feticide
La. R.S. 14:32.9.1	Aggravated criminal abortion by dismemberment

*although the offense no longer exists, previous convictions are still prohibited.

**In instances when the operator's blood alcohol concentration exceeds 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood.

Sex offenses as defined in R.S. 15:541(24)(a)

R.S. 14:42	aggravated or first degree rape
R.S. 14:42.1	forcible or second degree rape
R.S. 14:43	simple or third degree rape
R.S. 14:43.1	sexual battery
R.S. 14:43.2	second degree sexual battery
R.S. 14:43.3	oral sexual battery
R.S. 14:43.5	intentional exposure to AIDS virus
R.S. 14:46.2(B) (2)	human trafficking *
R.S. 14:46.3	trafficking of children for sexual purposes
R.S. 14:80	felony carnal knowledge of a juvenile

R.S. 14:81	indecent behavior with juveniles
R.S.14:81.1	pornography involving juveniles
R.S. 14:81.2	molestation of a juvenile or a person with a physical or mental disability
R.S. 14:81.3	computer-aided solicitation of a minor
R.S. 14:81.4	prohibited sexual conduct between an educator and student
R.S. 14:82.1	prostitution; persons under eighteen
R.S. 14:82.2	purchase of commercial sexual activity
R.S. 14:89	crime against nature
R.S. 14:89.1	aggravated crime against nature
R.S. 14:89.2(B) (3)	crime against nature by solicitation **
R.S. 14:89.3	Sexual abuse of an animal
R.S. 14:92 (A) (7)	contributing to the delinquency of juveniles***
R.S. 14:93.5	sexual battery of persons with infirmities
R.S. 14:106(A) (5)	obscenity by solicitation of a person under the age of seventeen ****
R.S. 14:283	video voyeurism
R.S. 14:283.1(B) (2)	voyeurism*****

Notes on sex offenses as defined in R.S. 15:54124a

*** R.S. 14:46.2(B) (2) human trafficking**

2(a) Whoever commits the crime of human trafficking when the services include commercial sexual activity or any sexual conduct constituting a crime under the laws of this state shall be fined not more than fifteen thousand dollars and shall be imprisoned at hard labor for not more than twenty years.

(b) Whoever commits the crime of human trafficking in violation of the provisions of Subparagraph A1b of this Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years, nor more than fifty years, or both.

**** R.S. 14:89.2B3 crime against nature by solicitation**

B.(3)(a) Whoever violates the provisions of this Section, when the person being solicited is under the age of eighteen years, shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(b) Whoever violates the provisions of this Section, when the person being solicited is under the age of fourteen years, shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both. Twenty-five years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

***** R.S. 14:92(A) (7) contributing to the delinquency of juveniles**

A. Contributing to the delinquency of juveniles is the intentional enticing, aiding, soliciting, or permitting, by anyone over the age of seventeen, of any child under the age of seventeen, and no exception shall be made for a child who may be emancipated by marriage or otherwise, to:
(7) Perform any sexually immoral act.

**** **R.S. 14:106(A) (5)** obscenity by solicitation of a person under the age of seventeen

A. The crime of obscenity is the intentional:

Solicitation or enticement of an unmarried person under the age of seventeen years to commit any act prohibited by Paragraphs 1, 2, or 3 of this Subsection.

***** **RS 14:283.1(B) (2)** voyeurism

A second or subsequent conviction of R.S. 14:283.1 voyeurism, committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992.

NOTE:

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