**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “KELLIE RYNN’S LAW”; AND TO AMEND SECTIONS 63‑13‑170, 63‑13‑410, 63‑13‑610, 63‑13‑810, AND 63‑13‑1080, ALL RELATING TO LICENSURE OR REGISTRATION OF CHILDCARE FACILITIES, ALL SO AS TO PROVIDE THAT OPERATION OF A CHILDCARE FACILITY WITHOUT A REQUIRED LICENSE OR REGISTRATION IS A FELONY AND TO ESTABLISH CRIMINAL PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as “Kellie Rynn’s Law”.

SECTION 2. Section 63‑13‑170 of the 1976 Code is amended to read:

“Section 63‑13‑170. A person violating the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be ~~punished by a fine~~ fined not ~~exceeding~~ more than one thousand five hundred dollars or ~~imprisonment~~ imprisoned not ~~exceeding~~ more than six months, or both. However, a person who knowingly operates a childcare facility without a required license or registration is guilty of a felony and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not less than two years or more than five years, or both.”

SECTION 3. Section 63‑13‑410 of the 1976 Code is amended to read:

“Section 63‑13‑410. No person, corporation, partnership, voluntary association, or other organization may operate a private childcare center or group childcare home unless licensed to do so by the department. A person or entity as provided in this section that knowingly operates a private childcare center or group childcare home without a required license is guilty of a felony and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not less than two years or more than five years, or both.”

SECTION 4. Section 63‑13‑610 of the 1976 Code is amended to read:

“Section 63‑13‑610. Every operator or potential operator of a public childcare center or group childcare home must apply to the department for an investigation and a statement of standard conformity or approval, except those facilities designated in Section 63‑13‑20. An operator or potential operator as provided in this section that knowingly operates a public childcare center or group childcare home without a required statement of standard conformity or approval is guilty of a felony and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not less than two years or more than five years, or both.”

SECTION 5. Section 63‑13‑810 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) A person or entity that knowingly operates a family childcare home without a required registration or license, as provided in subsections (B) and (C), respectively, is guilty of a felony and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not less than two years or more than five years, or both.”

SECTION 6. Section 63‑13‑1080 of the 1976 Code is amended to read:

“Section 63‑13‑1080. An operator violating the provisions of this article is guilty of a misdemeanor and, upon conviction, must be ~~punished by a fine~~ fined not ~~exceeding~~ more than one thousand five hundred dollars or ~~imprisonment~~ imprisoned not ~~exceeding~~ more than six months, or both. However, a person who knowingly operates a childcare facility without a required license or registration is guilty of a felony and, upon conviction, must be fined not more than one thousand five hundred dollars or imprisoned not less than two years or more than five years, or both.”

SECTION 7. This act takes effect upon approval by the Governor.

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