

## 1 HOUSE BILL NO. 159

2 INTRODUCED BY BARNHART

3 BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND  
6 HUMAN SERVICES TO INITIATE AN ACTION FOR ENFORCEMENT OF CHILD CARE REMEDIES IN  
7 JUSTICE'S COURT OR MUNICIPAL COURT AS WELL AS DISTRICT COURT; AND AMENDING SECTION  
8 52-2-741, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 52-2-741, MCA, is amended to read:

13 **"52-2-741. Penalty -- remedies.** (1) A person, group of persons, or corporation who establishes  
14 or maintains a day-care facility or assists in conducting or maintaining a day-care facility without first  
15 obtaining a license or registration certificate from the department as provided for in this part is guilty of a  
16 misdemeanor and upon conviction is punishable by a fine not to exceed \$500.

17 (2) (a) If the department is advised or has reason to believe that a person, group of persons, or  
18 corporation is operating a day-care facility without a license or registration certificate, it shall make an  
19 investigation to ascertain the facts. If the department finds that the day-care facility is being or has been  
20 operated without a license or registration certificate, it may report the results of its investigation to the  
21 attorney general or the county attorney of the county where the day-care facility is being operated for  
22 prosecution and request that an injunction be issued against the facility until a license or certificate is  
23 issued.

24 (b) The department may institute any action necessary to enforce compliance with this part or any  
25 order or rule of the department under this part or to obtain a judicial interpretation of any of the foregoing.

26 (c) The department may, by its own attorney ~~or counsel~~, any county attorney, or the attorney  
27 general, initiate an action in the justice's court, municipal court, or district court of the appropriate ~~county~~  
28 jurisdiction and be represented by ~~such~~ that representative on appeal to the district court and supreme court  
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