

REFERENCE TITLE: **child care; licensure**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1295**

Introduced by  
Senator Leff

**AN ACT**

**AMENDING SECTION 36-886, ARIZONA REVISED STATUTES; RELATING TO DAY CARE CENTERS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-886, Arizona Revised Statutes, is amended to  
3 read:

4 36-886. Operation without a license; classification; exception

5 A. If it appears that any person is maintaining or operating a child  
6 care facility without a license, the department shall notify the facility's  
7 operator either by mail, by certified mail with return receipt requested or  
8 by delivery in person. The person affected by the notice shall, within ten  
9 days from its receipt, cease and desist operation or show proof of having a  
10 valid license. The person may, within ten days, request in writing a hearing  
11 before the director.

12 B. On application of the department, a magistrate shall issue a  
13 warrant to the department authorizing inspection of a child care facility if  
14 there is probable cause to believe that a person is operating the facility  
15 without a license.

16 C. If a person does not comply with this section the department shall  
17 notify the county attorney of the county in which the child care facility is  
18 being operated of the violation and request that criminal prosecution be  
19 commenced against the violator. The department may request the attorney  
20 general to apply for injunctive relief.

21 D. Any person who continues to maintain or operate a child care  
22 facility without a license ten days after receipt of notice from the  
23 department is guilty of a class 1 misdemeanor.

24 E. A PERSON WHO WAS NOT AWARE THAT THE PERSON WAS OPERATING IN  
25 VIOLATION OF THIS SECTION AND WHO, ON NOTICE OF THAT VIOLATION, COMPLIES WITH  
26 THE REQUIREMENTS OF THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL  
27 LIABILITY PURSUANT TO THIS SECTION.