

**Effective 5/10/2016**

**62A-2-116 Violation -- Criminal penalties.**

- (1)
  - (a) A person who owns, establishes, conducts, maintains, manages, or operates a human services program in violation of this chapter is guilty of a class A misdemeanor if the violation endangers or harms the health, welfare, or safety of persons participating in that program.
  - (b) Conviction in a criminal proceeding does not preclude the office from:
    - (i) assessing a civil penalty or an administrative penalty;
    - (ii) denying, placing conditions on, suspending, or revoking a license; or
    - (iii) seeking injunctive or equitable relief.
- (2) Any person that violates a provision of this chapter, lawful orders of the office, or rules adopted under this chapter may be assessed a penalty not to exceed the sum of \$10,000 per violation, in:
  - (a) a judicial civil proceeding; or
  - (b) an administrative action in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (3) Assessment of a judicial penalty or an administrative penalty does not preclude the office from:
  - (a) seeking criminal penalties;
  - (b) denying, placing conditions on, suspending, or revoking a license; or
  - (c) seeking injunctive or equitable relief.
- (4) The office may assess the human services program the cost incurred by the office in placing a monitor.

Amended by Chapter 211, 2016 General Session