

1 State of Arkansas As Engrossed: S3/15/23 S3/27/23
2 94th General Assembly **A Bill**
3 Regular Session, 2023

SENATE BILL 390

4
5 By: Senators C. Penzo, G. Leding, C. Tucker, J. Bryant
6 By: Representative Burkes
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW REGARDING CHILD LABOR; TO
10 INCREASE THE AMOUNT OF CIVIL PENALTIES FOR
11 VIOLATIONS; TO EXTEND THE TIME FOR ASSESSMENTS OF
12 CIVIL PENALTIES BY THE DIRECTOR OF THE DIVISION OF
13 LABOR; TO ESTABLISH CRIMINAL PENALTIES; TO ESTABLISH
14 PENALTIES FOR HINDERING INVESTIGATIONS; *TO CLARIFY*
15 *THE LAW REGARDING WORKERS' COMPENSATION RELATED TO*
16 *CHILD LABOR RESULTING FROM INITIATED ACT 4 OF 1948;*
17 *AND FOR OTHER PURPOSES.*

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20 **Subtitle**

21 *TO AMEND THE CIVIL PENALTIES AND*
22 *ESTABLISH CRIMINAL PENALTIES RELATED TO*
23 *CHILD LABOR VIOLATIONS; AND TO CLARIFY*
24 *THE WORKERS' COMPENSATION LAW RELATED TO*
25 *CHILD LABOR RESULTING FROM INITIATED ACT*
26 *4 OF 1948.*

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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code § 11-6-103(a)(1), concerning the civil
32 penalty related to child labor violations, is amended to read as follows:

33 (a)(1) Any person, firm, corporation, partnership, association,
34 parent, guardian, or custodian who employs or permits or suffers any child to
35 be employed or to work in violation of this subchapter or §§ 11-12-101 – 11-
36 12-105, or any rules issued thereunder, shall be subject to a civil penalty



1 of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) and not
2 more than ~~one five thousand dollars (\$1,000)~~ (\$5,000) for each violation.

3
4 SECTION 2. Arkansas Code § 11-6-103(f), concerning the length of time
5 for the assessment of a civil penalty related to child labor violations, is
6 amended to read as follows:

7 (f) Assessment of a civil penalty by the director shall be made no
8 later than ~~two (2)~~ three (3) years from the date of the occurrence of the
9 violation.

10
11 SECTION 3. Arkansas Code § 11-6-103, concerning the penalties and
12 disposition of fines related to child labor violations, is amended to add
13 additional subsections to read as follows:

14 (h)(1) In addition to the civil penalties provided for in subsection
15 (a) of this section, an employer who knowingly violates this subchapter is,
16 upon conviction, guilty of a Class C misdemeanor.

17 (2) Upon a second or subsequent conviction, the employer is
18 guilty of a Class B misdemeanor.

19 (i)(1) In addition to the civil penalties provided for in subsection
20 (a) of this section and the criminal penalties provided for in subsection (h)
21 of this section, an employer who knowingly violates this subchapter and the
22 violation results in a serious physical injury to or death of a minor is,
23 upon conviction, guilty of a Class A misdemeanor.

24 (2) Upon a second or subsequent conviction, the employer is
25 guilty of a Class C felony.

26 (j) An employer that willfully engages in any of the following actions
27 is in violation of this subchapter and subject to a civil penalty of not less
28 than one hundred dollars (\$100) and not more than five thousand dollars
29 (\$5,000) for each violation:

30 (1) Hinders or delays the director or his or her authorized
31 representative in the performance of his or her duties in the enforcement of
32 this subchapter; and

33 (2) Falsifies records related to child labor.

34 (k) As used in this section, "employer" means every person, firm,
35 corporation, partnership, stock association, agent, manager, representative,
36 foreman, or other person having control or custody of any employment, place

1 of employment, or of any employee.

2
3 SECTION 4. Arkansas Code § 11-9-504(a), concerning additional
4 compensation related to the injury to or death of an illegally employed minor
5 resulting from Initiated Act 4 of 1948, is amended to read as follows:

6 (a) Where an injury or death is sustained by a minor employed in
7 violation of federal or state statutes pertaining to minimum ages for
8 employment of minors, including without limitation § 11-6-101 et seq.,
9 compensation or death benefits provided for by this chapter shall be doubled.

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11 /s/C. Penzo

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14 **APPROVED: 4/11/23**