

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S3/15/23

# A Bill

SENATE BILL 390

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

## 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*; AND FOR OTHER  
15 PURPOSES.  
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## Subtitle

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19 TO AMEND THE CIVIL PENALTIES AND TO  
20 ESTABLISH CRIMINAL PENALTIES FOR CHILD  
21 LABOR VIOLATIONS; AND TO ESTABLISH  
22 PENALTIES FOR HINDERING INVESTIGATIONS  
23 RELATED TO CHILD LABOR VIOLATIONS.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code § 11-6-103(a)(1), concerning the civil  
29 penalty related to child labor violations, is amended to read as follows:

30 (a)(1) Any person, firm, corporation, partnership, association,  
31 parent, guardian, or custodian who employs or permits or suffers any child to  
32 be employed or to work in violation of this subchapter or §§ 11-12-101 – 11-  
33 12-105, or any rules issued thereunder, shall be subject to a civil penalty  
34 of not less than ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) and not  
35 more than ~~one five thousand dollars (\$1,000)~~ (\$5,000) for each violation.  
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1 SECTION 2. Arkansas Code § 11-6-103(f), concerning the length of time  
2 for the assessment of a civil penalty related to child labor violations, is  
3 amended to read as follows:

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

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

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

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

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

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

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

27 (1) Hinders or delays the director or his or her authorized  
28 representative in the performance of his or her duties in the enforcement of  
29 this subchapter;

30 (2) Refuses to admit the director or his or her authorized  
31 representative to any place of employment;

32 (3) Falsifies records related to child labor;

33 (4) Refuses to make records accessible to the director or his or  
34 her authorized representative upon demand; or

35 (5) Refuses to furnish a sworn statement of the record or any  
36 other information required for the proper enforcement of this subchapter to

1 the director or his or her authorized representative upon demand.  
2 (k) As used in this section, "employer" means every person, firm,  
3 corporation, partnership, stock association, agent, manager, representative,  
4 foreman, or other person having control or custody of any employment, place  
5 of employment, or of any employee.

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7 /s/C. Penzo  
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