

34:6-136.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34: 6-136.1

("Home work"
law--increase
penalties for
violations)

LAWS OF: 1989

CHAPTER: 161

Bill No: A2654

Sponsor(s): Schuber

Date Introduced: March 7, 1988

Committee: Assembly: Labor

Senate: Labor, Industry & Professions

Amended during passage: No

Date of Passage: Assembly: September 8, 1988

Senate: June 22, 1989

Date of Approval: August 11, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

1 **AN ACT** revising the penalties for certain violations of the
State's industrial home work requirements and amending P.L.
3 1941, c. 308.

5 **BE IT ENACTED** by the Senate and General Assembly of the
State of New Jersey:

7 1. Section 19 of P.L. 1941, c. 308 (C. 34:6-136.19) is amended
to read as follows:

9 19. Penalties. Any employer or person who: (1) Directly or
indirectly in any way, distributes, delivers or causes to be
11 distributed or delivered, or sells or causes to be sold, articles or
materials for industrial home work in violation of any provision of
13 this act or of any rule, regulation or order issued thereunder; or
(2) Violates or fails to comply with any provision of this act or
15 any rule, regulation or order issued thereunder[,]; or (3) Does not
possess a valid employer's permit issued by the commissioner
17 pursuant to section 7 of this act or fails to comply with any
provision or condition of [such] that permit; or (4) Refuses to
19 allow the commissioner or his authorized representative to enter
his place of business or other place for the purpose of
21 investigating in the enforcement of this act, and of inspecting
any records required to be kept by section 10 of this act; or (5)
23 Willfully makes a false statement or representation in order to
lower the amount of fees due from him under this act; or (6)
25 Makes any deduction from the wages or salary of a home worker
in order to pay any portion of a payment which [such] the
27 employer or person is required to make by this act; shall be guilty
of a [misdemeanor, and upon conviction thereof shall be subject
29 to a fine of not less than one hundred dollars (\$100.00) nor more
than three hundred dollars (\$300.00) or to imprisonment for not
31 more than six months, or both, such fine and imprisonment for
each such offense; and each day such violation] disorderly
33 persons offense. If an employer or person knowingly violates this

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 act or if an employer or person commits a second violation or
2 multiple violation of this act, that employer or person shall be
3 guilty of a crime of the fourth degree. Each day a violation is
4 continued and each home worker engaged in industrial home work
5 directly or indirectly for or in behalf of [such] the employer or
6 person in violation of any provision of this act or any rule,
7 regulation or order issued thereunder shall be considered a
8 separate offense.

9 (cf: P.L. 1941, c. 308, s. 19)

10 2. This act shall take effect immediately.

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13 STATEMENT

14 This bill revises the penalties for violators of "the home work
15 law" (R.S. 34:6-120 et seq.). Under current law, violators of "the
16 home work law" are subject upon conviction to a fine of not less
17 \$100.00 and not more than \$300.00 or imprisonment for not more
18 than six months, or both, for an initial violation and for each
19 subsequent violation. Under this bill, a first violation of "the
20 home work law" is deemed to be a disorderly persons offense,
21 punishable by a fine of up to \$1,000.00 or imprisonment for up to
22 6 months, or both. In addition, under the bill a knowing violation
23 or second or multiple violations are deemed to be a crime of the
24 fourth degree, punishable by a fine of up to \$7,500.00 or
25 imprisonment for up to 18 months, or both. By increasing the
26 penalties for violations of "the home work law," this bill is
27 designed to encourage compliance with the provisions of that
28 law. Under current penalty provisions, some employers find it
29 profitable to pay the small fines imposed for violations while
30 continuing illegal employment practices.

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32 LABOR AND EMPLOYMENT

33 Commerce and Industry

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37 Increases penalties of "the home work law."

ASSEMBLY, No. 2654

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1988

By Assemblyman SCHUBER

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14 (2) Violates or fails to comply with any provision of this act or
any rule, regulation or order issued thereunder[,] or (3) Does not
16 possess a valid employer's permit issued by the commissioner
pursuant to section 7 of this act or fails to comply with any
18 provision or condition of [such] that permit; or (4) Refuses to
allow the commissioner or his authorized representative to enter
20 his place of business or other place for the purpose of
investigating in the enforcement of this act, and of inspecting
22 any records required to be kept by section 10 of this act; or (5)
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24 lower the amount of fees due from him under this act; or (6)
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 20 subsequent violation. Under this bill, a first violation of "the
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 28 designed to encourage compliance with the provisions of that
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 30 profitable to pay the small fines imposed for violations while
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LABOR AND EMPLOYMENT

Commerce and Industry

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Increases penalties of "the home work law."

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2654

STATE OF NEW JERSEY

DATED: MAY 23, 1988

The Assembly Labor Committee reports favorably Assembly Bill No. 2654.

This bill revises the penalties for employer violations of various sections of "the home work law," P.L. 1941, c. 308 (C. 34:6-136.1 et seq.), that regulate the sector of the home work industry in which goods are manufactured in homes out of materials distributed by factories, and are then conveyed from the homes back to the factories for commercial distribution. Under this bill, an employer's first violation of these sections of "the home work law" is deemed to be a disorderly persons offense, punishable under the "New Jersey Code of Criminal Justice," Title 2C, by a fine not to exceed \$1,000 or imprisonment not to exceed 6 months, or both. In addition, the bill provides that an employer who knowingly violates P.L. 1941, c. 308 (C. 34:6-136.1 et seq.) or who commits a second violation or multiple violations of those sections shall be deemed to have committed a crime of the fourth degree, punishable by a fine of up to \$7,500 or to imprisonment for up to 18 months, or both.

Currently, as a result of the revision of the State criminal code, all violations of these sections are punishable as disorderly persons offenses pursuant to N.J.S. 2C:1-4. The penalty specified in the current home work statute is a fine of not less than \$100 nor more than \$300 or imprisonment for not more than six months, or both.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2654

STATE OF NEW JERSEY

DATED: APRIL 27, 1989

The Senate Labor, Industry and Professions Committee reports favorably Assembly Bill No. 2654.

This bill revises the penalties for violations of P.L.1941, c.308 (C.34:6-136.1 et seq.) which regulates that sector of the home work industry in which goods are manufactured in homes out of materials distributed by factories, and are conveyed from the homes back to the factories for commercial distribution. Currently, persons who violate that act are subject to a fine of not less than \$100 nor more than \$300 or to imprisonment for not more than six months, or both. Under the bill, persons who violate that act would be guilty of a disorderly persons offense for a first violation and guilty of a crime of the fourth degree for a knowing violation of that act or for any second or multiple violation of that act.

A disorderly persons offense is punishable by a fine up to \$1,000 or imprisonment for up to 6 months, or both. A crime of the fourth degree is punishable by a fine of up to \$7,500 or imprisonment for up to 18 months, or both.