

34:2-21.58 et al

LEGISLATIVE HISTORY CHECKLIST

(Adolescents and children to be employed in movie and television production)

NJSA 34:2-21.58 et al.

Laws of 1977 Chapter 430

Bill No. A3033

Sponsor(s) Baer

Date Introduced Jan. 24, 1977

Committee: Assembly Labor, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage Yes No

Amendments during passage denoted by asterisks

Date of passage: Assembly May 16, 1977

Senate July 11, 1977

Date of approval February 28, 1978

Following statements are attached if available:

Sponsor statement Yes No (Below)

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Sponsor's Statement:

The purpose of this bill is to authorize motion picture and television producers to employ adolescents and children for performances in movies and television shows and thereby permit this industry to expand in our State.

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ASSEMBLY, No. 3033

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1977

By Assemblyman BAER

Referred to Committee on Labor, Industry and Professions

AN ACT concerning the employment of certain minors in theatrical productions and amending ****and supplementing**** P. L. 1962, c. 91 ***[s. 2]***.

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

1 1. Section 2 of P. L. 1962, c. 91 (C. 34:2-21.58) is amended to
2 read as follows:

3 2. Notwithstanding any provision of the child labor laws of this
4 State, the professional employment of minors **[**between the ages of
5 8 and**]** *under the age of 16 years* in theatrical productions is
6 authorized upon compliance with the conditions in this act set forth.

1 *2. Section 3 of P. L. 1962, c. 91 (C. 34:2-21.59) is amended
2 to read as follows:

3 3. Upon application of an employer, bearing the endorsed ap-
4 proval of a parent or guardian of the minor the issuing officer as
5 defined in the act hereby supplemented may issue a permit autho-
6 rizing employment of the minor in a theatrical production if
7 it finds that:

8 (a) The minor is in good health *and will not likely be endangered*
9 *by the working conditions of the prospective employment* as certi-
10 fied by a currently issued statement of a licensed physician based
11 upon a physical examination *which, for minors under 8 years of*
12 *age, includes a visual acuity screening if practicable;*

13 (b) The place of employment is approved by the Department
14 of Labor and Industry and the period for which the permit is
15 desired is not in excess of 3 months;

16 (c) If the minor is not attending public school and the appli-
17 cation is for a period other than during the school summer vacation

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

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3033

STATE OF NEW JERSEY

DATED: MAY 2, 1977

The Assembly Labor Committee favorably reports this bill to permit motion picture and television producers to employ children under 8 years of age for performances in movies and television shows and commercials and thereby allow for expansion of this industry in New Jersey. This legislation, providing greater flexibility in our child labor laws, will enable the recently established State Motion Picture and Television Development Commission to compete with California and New York for productions employing children and at the same time, provide safeguards, under the committee's amendments, that will protect children against overwork, exploitation or other practices that are not physically or emotionally beneficial.

It would require that the employment of such child actors be subject to at least the same conditions and safeguards now applicable to minors between the age of 8 and 16. Among many other things, they prohibit—under penalty of misdemeanor which may include imprisonment—the issuance of permits authorizing employment “in any illegal, indecent or immoral exhibition or practice, or . . . dangerous to the life, limb, health or morals of a minor.” Other preconditions in the law now include equivalent educational instruction, being under the care and supervision of an adult at all times, and restrictions on hours of work.

The committee felt that because of the tender age of the youngest of the State's children who may now become involved in theatrical production and the circumstances surrounding the employment of all minors in the industry, the exercise of great care in providing proper protection for these young people is necessary. Committee amendments direct the Department of Labor and Industry to promulgate appropriate regulations to safeguard their health, education and welfare, as has been done in California in cooperation with the Los Angeles Unified School District.

SENATE LABOR, INDUSTRY AND
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3033

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 27, 1977

The Assembly Labor Committee favorably reports this bill to permit motion picture and television producers to employ children under 8 years of age for performances in movies and television shows and commercials and thereby allow for expansion of this industry in New Jersey. This legislation, providing greater flexibility in our child labor laws, will enable the recently established State Motion Picture and Television Development Commission to compete with California and New York for productions employing children and at the same time, provide safeguards, under the committee's amendments, that will protect children against overwork, exploitation or other practices that are not physically or emotionally beneficial.

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The Senate Labor, Industry, and Professions Committee amended the bill to make it a high misdemeanor for anyone who obtains a permit to employ minors under the age of 16 in pornographic movies.

18 period, that he is receiving equivalent instruction approved by
 19 the Department of Education or by the State or county of his
 20 residence if he be a nonresident of New Jersey;

21 (d) The proposed employment will not exceed two performances
 22 a day or a total of eight performances in any week; that the em-
 23 ployment will not be for more than 6 days in any week, 5 hours
 24 in any day or a total of 24 hours, including rehearsal time, in any
 25 week and that the minor will not be employed before 7:00 p.m.
 26 or after 11:30 p.m. and that school and theatrical performance
 27 time shall not exceed 8 hours in any 1 day;

28 (e) The employment does not involve a type of prohibited per-
 29 formance as hereinafter defined;

30 (f) The minor will be under the direct care and supervision of
 31 an adult who is a parent, guardian or a representative of the em-
 32 ployer, named in the application, at all times during his employ-
 33 ment or while living away from home when required as an incident
 34 of such employment.

1 ****3.** *(New section) Any person who obtains a permit under this*
 2 *act and employs a minor under the age of 16 to perform an indecent*
 3 *or immoral exhibition, which exhibition is a prohibited performance*
 4 *under this act, shall be guilty of a high misdemeanor. For the*
 5 *purpose of this act, indecent or immoral exhibition means (1)*
 6 *sexual intercourse, or (2) anal intercourse, or (3) masturbation, or*
 7 *(4) bestiality, or (5) sadism, or (6) masochism, or (7) fellatio,*
 8 *or (8) cunnilingus, or (9) any other sexual activity, or (10) nudity,*
 9 *if such nudity is to be depicted for the purpose of sexual stimula-*
 10 *tion or gratification of any person who may view such depiction.***

1 ****[3.]** **4.**** Section 8 of P. L. 1962, c. 91 (C. 34:2-21.64) is
 2 amended to read as follows:

3 8. The Department of Education shall prescribe forms and
 4 regulations concerning applications for and issuance of permits
 5 and the Department of Labor and Industry may issue regulations
 6 concerning the administration and enforcement of this act *and,*
 7 *notwithstanding any provisions of law to the contrary, after con-*
 8 *sultation with the Department of Education, shall prescribe special*
 9 *safeguards governing the working conditions, supervision and*
 10 *education of minors under the age of 16, with particular attention*
 11 *to minors under the age of 6 years not inconsistent with the pur-*
 12 *poses of this act.**

1 ***[2.]* **[*4.*]** **5.**** This act shall take effect immediately.