

2020 -- S 2588

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LC005053
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

Introduced By: Senators McCaffrey, Lombardi, Lynch Prata, Ruggerio, and Ciccone

Date Introduced: February 25, 2020

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-14-17 of the General Laws in Chapter 28-14 entitled "Payment of
2 Wages" is hereby amended to read as follows:

3 **28-14-17. Penalty for violations.**

4 (a) Any employer who violates or fails to comply with any of the provisions of this chapter
5 shall be guilty of a misdemeanor, or in cases of nonpayment of wages if the value of the wages due
6 to an employee is less than one thousand five hundred dollars (\$1,500) or in instances of a violation
7 of § 28-14-19.1, and upon conviction of the misdemeanor, the employer shall be punished by a fine
8 of not less than four hundred dollars (\$400) for each separate offense, or by imprisonment of up to
9 one year, or by both fine and imprisonment. Each day of failure to pay wages due an employee at
10 the time specified in this chapter shall constitute a separate and distinct violation.

11 **(b) Any employer who violates or fails to comply with any of the provisions of this chapter**
12 **shall be guilty of a felony if the value of the wages due to an employee is one thousand five hundred**
13 **dollars (\$1,500) or more. Any employer who violates § 28-14-19.1 would also be guilty of a felony**
14 **if the violation was a knowing violation or a second or subsequent violation of § 28-14-19.1. Upon**
15 **a plea or conviction to a felony, shall be subject to the following penalties:**

16 **(1) If the value of the wages is between one thousand five hundred dollars (\$1,500) and**
17 **five thousand dollars (\$5,000) or in instances of a first offense of a knowing violation of § 28-14-**
18 **19.1, by imprisonment for not more than three (3) years or by a fine of not more than twice the**
19 **value of the wages or ten thousand dollars (\$10,000), whichever is greater, or both;**

1 (2) If the value of the wages exceeds five thousand dollars (\$5,000) or in instances of a
2 second or subsequent offense of a knowing violation of § 28-14-19.1, by imprisonment for not
3 more than five (5) years or a fine of not more than three (3) times the value of the wages or twenty
4 thousand dollars (\$20,000), whichever is greater, or both.

5 ~~(b)~~(c) Any employer found guilty of violations of this chapter who does not pay wages and
6 fines within thirty (30) days of a final decision and after notification by the department of labor and
7 training, may have his, her or its business license revoked by the state of Rhode Island until he, she
8 or it pays such wages and fines in full or enters into a payment agreement with which he, she or it
9 stays in compliance.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would increase the criminal penalties for wage theft and employee
2 misclassification.

3 This act would take effect upon passage.

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