

BLACKLISTING AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill modifies provisions related to Labor In General to address blacklisting.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ modifies language prohibiting blacklisting;
 - ▶ modifies criminal provisions related to blacklisting;
 - ▶ provides for actual and punitive damages in a private right of action for blacklisting;
- and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34-24-1, as enacted by Chapter 85, Laws of Utah 1969

34-24-2, as enacted by Chapter 85, Laws of Utah 1969

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-24-1** is amended to read:



34-24-1. Blacklisting employees prohibited.

(1) As used in this chapter:

(a) "Employee" means any person who performs a service for wages or other remuneration under a contract for hire, written or oral, express or implied.

(b) "Former employee" means an employee that:

(i) is discharged by a person; or

(ii) voluntarily leaves the service of any person.

(c) "Publish" means the communication of information to any one or more persons:

(i) orally:

(A) in person;

(B) by telephone, radio, or television; or

(C) electronic means; or

(ii) in a writing of any kind.

~~[No]~~ (2) A person [shall] may not blacklist or publish information related to a former employee, or cause to be published or blacklisted[;] information related to any former employee [discharged or voluntarily leaving the service of any person, company or corporation] with intent and for the purpose of preventing [such] the former employee from engaging in or securing similar or other employment from any other person[, company or corporation].

Section 2. Section **34-24-2** is amended to read:

34-24-2. Violation -- Penalty.

~~[If any person]~~ (1) A person violates this chapter if that person:

(a) blacklists or publishes information related to any former employee, or causes to be blacklisted or published[;] information related to any former employee [discharged by any corporation, company or individual,] with the intent and for the purpose of preventing [such] the former employee from engaging in or securing similar or other employment from any other [corporation, company or individual,] person; or [shall]

(b) in any manner [conspire or contrive] conspires or contrives by correspondence or otherwise to prevent [such-discharged] the former employee from securing employment[;such person].

(2) A person that violates this chapter:

(a) is guilty of a [felony and shall be fined not less than \$55 nor more than \$1000 and

59 ~~imprisoned in the state prison not less than sixty days nor more than one year.] class B~~
60 ~~misdemeanor; and~~
61 (b) is liable to the former employee for actual and punitive damages to be recovered by
62 the former employee in a civil action filed in a court of competent jurisdiction.

Legislative Review Note

as of 2-8-05 8:55 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0233

Blacklisting Amendments

18-Feb-05
1:49 PM

State Impact
No fiscal impact.

Individual and Business Impact
No fiscal impact.

Office of the Legislative Fiscal Analyst