

Senator Allen M. Christensen proposes the following substitute bill:

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 or certain publications;
- ▶ modifies criminal provisions related to blacklisting or certain publications;
- ▶ provides for actual and punitive damages in a private right of action for blacklisting

or publishing; 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, "publish" means the communication of information to any one or more persons:

(a) orally;

(i) in person;

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

(iii) electronic means; or

(b) in a writing of any kind.

~~[No]~~ (2) A person [shall] may not blacklist or publish information related to any individual, or cause to be published or blacklisted[;] information related to any [employee discharged or voluntarily leaving the service of any person, company or corporation] individual with intent and for the purpose of preventing [such employee] the individual from engaging in or securing employment similar to the individual's current or former employment 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 individual, or causes to be blacklisted or published[;] information related to any [employee discharged by any corporation, company or individual;] individual with the intent and for the purpose of preventing [such employee] the individual from engaging in or securing employment similar to the individual's current or former employment 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 employee] the individual 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 imprisoned in the state prison not less than sixty days nor more than one year.] class B

57 misdemeanor; and
58 (b) is liable to the individual who is blacklisted or the subject of a publication for
59 actual and punitive damages to be recovered by the individual in a civil action filed in a court
60 of competent jurisdiction.