



[SF 542](#) – Youth Employment (LSB1838SV.1)

Staff Contacts: Evan Johnson (515.281.6301) evan.johnson@legis.iowa.gov

Molly Kilker (515.725.1286) molly.kilker@legis.iowa.gov

Fiscal Note Version – As amended and passed by the Senate

Description

[Senate File 542](#) relates to youth employment and makes the following changes:

- Removes language providing for child labor permits and migrant labor permits.
- Prohibits individuals 13 years of age or younger from working in any work activity.
- Removes language that allows migrant laborers who are 14 or 15 years of age to work during summer school hours.
- Allows minors to participate in certain work activities that are currently prohibited.
- Modifies the hours that minors may work.
- Allows the Director of the Iowa Department of Workforce Development (IWD) to issue waivers of youth employment restrictions in certain circumstances.
- Provides that the Director of the IWD or the Director of the Department of Education may grant exceptions from any provision of Iowa Code section [92.6](#), [92.7](#), or [92.8](#) for individuals 14 to 17 years of age who are participating in work-based learning or a school- or employer-administered, work-related program if certain conditions are met.
- Creates exceptions to Iowa Code section 92.8 for students in approved work-based learning programs, registered apprenticeships, career and technical education programs, or student learner programs if certain conditions are met.
- Removes certain violations relating to child labor under Iowa Code section [92.19](#).
- Removes the serious misdemeanor penalty for an individual in charge of any migratory worker or of any child who engages in a street occupation in violation of Iowa Code chapter [92](#).
- Grants the Director of the IWD the right to waive or reduce a civil penalty related to the violation of child labor laws based on the evidence the Director obtains. The Bill also requires the Director of the IWD to provide a 15-day grace period before imposing a civil penalty.
- Modifies employer liability related to secondary students in work-based learning programs.
- Allows individuals 16 or 17 years of age to sell or serve alcoholic beverages for consumption on the premises where sold if the employer has a written permission from the legal guardian or custodian of the individual on file. The individual may not sell or serve alcoholic beverages in a bar.
- Prohibits persons under the age of 18 from work activities in establishments where nude or topless dancing is performed.
- Requests the Legislative Council to establish an interim study committee to examine policy and make recommendations related to licensed driving by individuals between 14 and 18 years of age.

Background

Under current law, those between the ages of 10 and 13 may work in street occupations or migratory labor occupations under Iowa Code section [92.1](#). Civil penalties assessed by the Labor Commissioner under Iowa Code chapter 92 may not exceed \$10,000.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

The correctional impact of SF 542 cannot be estimated due to lack of data. The Bill modifies serious misdemeanors related to child labor under Iowa Code chapter 92. The Bill also modifies a simple misdemeanor related to the serving or sale of alcohol by a minor under Iowa Code section 123.49(2)(f). In FY 2022, there were no convictions under Iowa Code chapter 92 and no convictions under Iowa Code section 123.49(2)(f).

A serious misdemeanor is punishable by confinement for no more than one year and a fine of between \$430 and \$2,560. A simple misdemeanor is punishable by confinement for no more than 30 days and a fine of between \$105 and \$855.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system. A conviction of a simple misdemeanor does not result in a prison sentence, but does carry the possibility of confinement in jail for up to 30 days.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent Ordered to State Prison	FY 22 Avg LOS in Prison in Months (All Releases)	FY 22 Marginal Cost Per Day Prison	Percent Ordered to Probation	FY 22 Avg LOS on Probation in Months	FY 22 Avg Cost Per Day Probation	Percent Sentenced to CBC Residential Facility	FY 22 Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY 22 Avg LOS on Parole in Months	FY 22 Marginal Cost Per Day Parole
Serious Misd	1.9%	5.5	\$23.42	51.2%	13.7	\$7.27	0.9%	\$20.67	73.3%	\$50.00	0.5	\$7.27

Minority Impact

The minority impact of SF 542 cannot be estimated due to lack of data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

Fiscal Impact

Senate File 542 is estimated to have little to no fiscal impact to the State.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
 LSA calculations
 Iowa Department of Workforce Development

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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