

IN THE SENATE

SENATE BILL NO. 1300

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO CHILD LABOR LAWS; PROVIDING LEGISLATIVE INTENT; REPEALING SEC-
2 TION 44-1301, IDAHO CODE, RELATING TO RESTRICTIONS ON EMPLOYMENT OF
3 CHILDREN UNDER FOURTEEN; REPEALING SECTION 44-1302, IDAHO CODE, RELAT-
4 ING TO EDUCATIONAL REQUIREMENTS FOR CHILDREN UNDER SIXTEEN; AMENDING
5 SECTION 44-1303, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE
6 TECHNICAL CORRECTIONS; REPEALING SECTION 44-1304, IDAHO CODE, RELATING
7 TO WORKING HOURS FOR CHILDREN UNDER SIXTEEN; REPEALING SECTION 44-1305,
8 IDAHO CODE, RELATING TO PENALTIES; AMENDING SECTION 44-1306, IDAHO
9 CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS;
10 AMENDING SECTION 44-1307, IDAHO CODE, TO REDESIGNATE THE SECTION;
11 AMENDING SECTION 44-1308, IDAHO CODE, TO REDESIGNATE THE SECTION, TO
12 PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS;
13 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
17 remove outdated and superseded laws from Idaho Code. Idaho's child labor
18 laws were originally enacted in 1907 at a time when child labor concerns were
19 very different than they are today. Many portions of the Idaho child labor
20 laws are superseded by the federal Fair Labor Standards Act, which estab-
21 lishes rules regarding the employment of individuals under the age of eigh-
22 teen (18) years. Further, because Idaho is a state where a growing number of
23 students are educated outside of the public school system, the current ref-
24 erences to hours when public schools are in session in Idaho's child labor
25 laws are unnecessary and unfair to nonpublic school children and should be
26 removed.

27 SECTION 2. That Section [44-1301](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 3. That Section [44-1302](#), Idaho Code, be, and the same is hereby
30 repealed.

31 SECTION 4. That Section 44-1303, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 44-1303~~1~~. EMPLOYERS TO KEEP RECORD OF MINOR EMPLOYEES. Every person,
34 firm, corporation, agent or officer of a firm or corporation employing or
35 permitting minors under sixteen (16) years of age and over fourteen (14)
36 years of age to work in any mine, factory, workshop, mercantile establish-
37 ment, store, telegraph or telephone office, laundry, restaurant, hotel,
38 apartment house, or in the distribution or transmission of merchandise or
39 messages, shall keep a record of the names, ages, and places of residence of
40 such minors.

1 SECTION 5. That Section [44-1304](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 6. That Section [44-1305](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 7. That Section 44-1306, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 44-1306~~2~~. PROHIBITION AGAINST THEATRICAL EMPLOYMENT OF CHILDREN --
8 PENALTY -- EXCEPTION. Any person, whether as parent, relative, guardian,
9 employer or otherwise, having the care, custody or control of any child under
10 the age of sixteen (16) years, who exhibits, uses or employs in any manner
11 or under any pretense, sells, apprentices, gives away, lets out or disposes
12 of such child to any person, under any name, title or pretense, for or in any
13 business, exhibition or vocation, injurious to the health or dangerous to
14 the life or limb of such child, or in or for the vocation, occupation, service
15 or purpose of singing, playing on musical instruments, rope or wire walking,
16 dancing, begging or peddling, or as a gymnast, acrobat, or contortionist, or
17 rider, or in any place whatsoever, or for any obscene, indecent or immoral
18 purposes, exhibition or practice whatsoever, or for or in any mendicant, or
19 wandering business whatsoever, or who causes, procures or encourages such
20 child to engage therein, is guilty of a misdemeanor, and punishable by a fine
21 of not less than fifty dollars (\$50.00) nor more than ~~\$250~~ two hundred fifty
22 dollars (\$250), or by imprisonment in the county jail for a term not exceed-
23 ing six (6) months or by both such fine and imprisonment. Every person who
24 takes, receives, hires, employs, uses, exhibits, or has in custody any child
25 under the age of sixteen (16) years and for any of the purposes mentioned in
26 this section is guilty of a like offense and punishable by like imprisonment.
27 Nothing in this section contained applies to or affects the employment or use
28 of any such child as a singer or musician in any church, school or academy, or
29 the teaching or learning of the science or practice of music.

30 SECTION 8. That Section 44-1307, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 44-1307~~3~~. EMPLOYMENT OF MINORS IN IMMORAL SURROUNDINGS. Any person,
33 whether as parent, guardian, employer or otherwise, and any firm or corpora-
34 tion, who as employer or otherwise, shall send, direct, or cause to be sent
35 or directed any minor, to any saloon, gambling house, house of prostitution
36 or other immoral place; or who shall employ any minor to serve intoxicating
37 liquors to customers, or who shall employ a minor in handling intoxicating
38 liquor or packages containing such liquors in a brewery, bottling establish-
39 ment or other place where such liquors are prepared for sale or offered for
40 sale, shall, for each offense, be punished by a fine of not less than fifty
41 dollars (\$50.00) or imprisonment for not less than two (2) months, or by both
42 such fine and imprisonment.

43 SECTION 9. That Section 44-1308, Idaho Code, be, and the same is hereby
44 amended to read as follows:

1 44-130~~8~~4. PROBATION OFFICERS AND SCHOOL TRUSTEES TO BRING COM-
2 PLAIN. The probation officer, or in counties where there is no probation
3 officer, one (1) or more of the school trustees shall visit the various
4 places of employment mentioned in ~~sections 44-1301 and 44-1307~~ section
5 44-1303, Idaho Code, and ascertain whether any minors are employed therein
6 contrary to the provisions of this chapter, and they shall bring complaint
7 for offenses under this chapter to the attention of the prosecuting attorney
8 for prosecution, but nothing herein shall be held to prohibit any reputable
9 citizen from bringing complaint for violations of this chapter. All of-
10 fenses under this chapter shall be prosecuted in the ~~probate~~ district court.

11 SECTION 10. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2024.