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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1714 Session of  
2023

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INTRODUCED BY R. MACKENZIE, GILLEN, M. JONES AND M. MACKENZIE,  
SEPTEMBER 26, 2023

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 26, 2023

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AN ACT

1 Amending the act of October 24, 2012 (P.L.1209, No.151),  
2 entitled "An act regulating child labor; conferring powers  
3 and duties on the Department of Labor and Industry and the  
4 Department of Education; imposing penalties; and making a  
5 repeal," further providing for administration and for  
6 penalties.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 10 of the act of October 24, 2012  
10 (P.L.1209, No.151), known as the Child Labor Act, is amended by  
11 adding subsections to read:

12 Section 10. Administration.

13 \* \* \*

14 (a.1) Annual report.--

15 (1) The department shall report to the General Assembly  
16 annually on the enforcement of this act. The report shall be  
17 submitted to the chairperson and minority chairperson of the  
18 Labor and Industry Committee of the Senate and the  
19 chairperson and minority chairperson of the Labor and  
20 Industry Committee of the House of Representatives no later

1 than April 1 each year.

2 (2) Each report under this subsection shall include the  
3 following information for the most recently completed  
4 calendar year:

5 (i) The number of complaints received and  
6 investigations initiated.

7 (ii) The number of violations found, including:

8 (A) The number of criminal charges filed under  
9 section 11(b).

10 (B) The number and total amount of  
11 administrative penalties levied under section 11(c).

12 (iii) The number of violations found for each type  
13 of violation listed in section 11(a).

14 (iv) The number of violations found in each county.

15 (v) Information regarding the frequency and severity  
16 of violations found in different industries.

17 (vi) Information regarding violations of this act  
18 concerning unaccompanied alien minors who entered the  
19 United States unlawfully and were released to the custody  
20 of a sponsor by the United States Department of Health  
21 and Human Services, including:

22 (A) The number and types of violations of this  
23 act concerning unaccompanied alien minors.

24 (B) The number of violations in each county  
25 concerning unaccompanied alien minors.

26 (C) A description of the department's  
27 interactions with other Federal and State agencies  
28 regarding unaccompanied alien minors.

29 (D) The number of referrals to other Federal and  
30 State agencies regarding unaccompanied alien minors

1 made by the department.

2 (E) Information regarding the frequency and  
3 severity of violations concerning unaccompanied alien  
4 minors found in different industries.

5 (F) Any other information about violations  
6 concerning unaccompanied alien minors that the  
7 department deems relevant.

8 (vii) Any recommendations for the General Assembly  
9 for amendments to this act.

10 (viii) Any other information that the department  
11 deems relevant.

12 \* \* \*

13 (f) Cross-reporting requirements.--The following shall apply  
14 during an investigation authorized under subsection (b) (2):

15 (1) If the department has reasonable cause to suspect  
16 that the employer has violated 8 U.S.C. § 1324a (relating to  
17 unlawful employment of aliens), the department shall make a  
18 report to the United States Immigration and Customs  
19 Enforcement of a possible violation. The report shall  
20 identify the employer suspected of the violation, provide the  
21 name and any known address of the minor and include any other  
22 relevant information in the department's possession.

23 (2) If the department has reasonable cause to suspect  
24 that a minor who is a subject of a complaint or investigation  
25 is a dependent child, as defined in 42 Pa.C.S. § 6302  
26 (relating to definitions), or is a victim of child abuse, as  
27 defined in 23 Pa.C.S. § 6303(b.1) (relating to definitions),  
28 the department shall make a report to the Department of Human  
29 Services via the Statewide toll-free telephone number under  
30 23 Pa.C.S. § 6332 (relating to establishment of Statewide

1 toll-free telephone number) or a written report using  
2 electronic technologies under 23 Pa.C.S. § 6305 (relating to  
3 electronic reporting). The report shall include any relevant  
4 information in the department's possession. The department is  
5 not required to make a report under this paragraph if the  
6 department has made a substantially similar report to an  
7 appropriate law enforcement official.

8 Section 2. Section 11(b) of the act is amended by adding a  
9 paragraph to read:

10 Section 11. Penalties.

11 \* \* \*

12 (b) Criminal penalties.--

13 \* \* \*

14 (3) A person that willfully violates subsection (a)  
15 commits a misdemeanor of the second degree, if the person  
16 knew or reasonably should have known that the minor is  
17 without proper parental care or control, subsistence,  
18 education as required by law or other care or control  
19 necessary for the minor's physical, mental or emotional  
20 health or morals. A person guilty of an offense under this  
21 paragraph shall, upon conviction, be sentenced to pay a fine  
22 of not more than \$5,000 for each violation or to imprisonment  
23 for not more than two years, or both.

24 \* \* \*

25 Section 3. This act shall take effect in 60 days.