

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- PAYMENTS OF WAGES

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-14-17 of the General Laws in Chapter 28-14 entitled "Payment of
2 Wages" is hereby amended to read as follows:

3 **28-14-17. Penalty for violations.**

4 (a) Any Except as otherwise provided in this section, any employer who violates or fails to
5 comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon
6 conviction of the misdemeanor, the employer shall be punished by a fine of not less than four
7 hundred dollars (\$400) for each separate offense, or by imprisonment of up to one year, or by both
8 fine and imprisonment. Each day of failure to pay wages due an employee at the time specified in
9 this chapter shall constitute a separate and distinct violation.

10 (b) Any employer who knowingly or willfully violates or fails to comply with § 28-14-2
11 or § 28-14-4 shall be guilty of a felony if the value of the wages due to an employee is one thousand
12 five hundred dollars (\$1,500) or more and upon plea or conviction, shall be subject to the following
13 penalties:

14 (1) If the value exceeds one thousand five hundred dollars (\$1,500) and is less than five
15 thousand dollars (\$5,000), by imprisonment for not more than three (3) years or by a fine of not
16 more than twice the value of the wages, or both.

17 (2) If the value exceeds five thousand dollars (\$5,000), but is less than ten thousand dollars
18 (\$10,000), by imprisonment for not more than six (6) years or by a fine of not more than twice the
19 value of the wages, or both.

1 (3) If the value exceeds ten thousand dollars (\$10,000), by imprisonment for not more than
2 ten (10) years or by a fine of not more than twice the value of the wages, or both.

3 (c) Any employer who knowingly or willfully violates § 28-14-19.1 shall be guilty of a
4 felony and shall be subject to the following penalties upon plea or conviction:

5 (1) In instances of a first offense of a knowing or willful violation of § 28-14-19.1, by
6 imprisonment for not more than three (3) years or by a fine of not more than twice the value of the
7 wages or ten thousand dollars (\$10,000), whichever is greater, or both.

8 (2) In instances of a second or subsequent offense of a knowing or willful violation of §
9 28-14-19.1, by imprisonment for not more than five (5) years or a fine of not more than three (3)
10 times the value of the wages or twenty thousand dollars (\$20,000), whichever is greater, or both.

11 ~~(b)~~(d) Any employer found guilty of violations of this chapter who does not pay wages and
12 fines within thirty (30) days of a final decision and after notification by the department of labor and
13 training, may have his, her or its business license revoked by the state of Rhode Island until he, she
14 or it pays such wages and fines in full or enters into a payment agreement with which he, she or it
15 stays in compliance.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would increase the criminal penalties for wage theft and employee
2 misclassification.

3 This act would take effect upon passage.

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