

Assembly Bill No. 2676

Passed the Assembly August 30, 2012

Chief Clerk of the Assembly

Passed the Senate August 21, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 388 to the Penal Code, relating to agricultural employee safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2676, Charles Calderon. Agricultural employee safety.

Existing law permits the Occupational Safety and Health Standards Board within the Department of Industrial Relations to adopt occupational health and safety standards to protect the welfare of employees, and existing regulations provide for the prevention of heat-related illness of employees, as prescribed. Under existing law, it is a misdemeanor for an employer to violate a safety standard if the violation has a substantial probability of resulting in death or serious physical harm.

This bill would make it a crime for any person who directs an agricultural employee to perform, or supervises an agricultural employee in the performance of, outdoor work without providing the employee with shade and potable water, punishable by imprisonment not exceeding 6 months in a county jail, by a fine not exceeding \$10,000, or by both the imprisonment and fine, or if that violation results in injury to an agricultural employee, by imprisonment not exceeding one year in a county jail, by a fine not exceeding \$25,000, or by both that fine and imprisonment. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 388 is added to the Penal Code, to read:

388. (a) This section shall be known as the Humane Treatment of Farm Workers Act.

(b) Any person who directs an agricultural employee to perform, or supervises an agricultural employee in the performance of, outdoor work without providing the employee with both continuous, ready access to an area of shade sufficient to allow the body to cool, and potable water that is suitably cool and available in quantities sufficient to allow the employee to drink one quart of water per hour throughout the employee's work shift is guilty of a misdemeanor.

(c) A violation of this section is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding \$10,000, or by both that imprisonment and fine. If the violation results in injury to an agricultural employee, then the offense shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$25,000, or by both that fine and imprisonment.

(d) Nothing in this section shall preclude prosecution under any other law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2012

Governor