



# LEGISLATIVE INTENT SERVICE, INC.

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## **Labor section § 1050 – Compiled June 2011**

Our review of the annotated history reveals the following legislative history (every “c.” below represents a separate legislative bill):

Prior History: Former Penal Code § 653e, added 1913, c. 350; amended 1929, c. 586  
Added: 1937, c. 90 (nonsubstantive Labor Code codification bill)  
Amended: 1981, c. 513

### **Four bills affected § 1050**

#### **[In 1913, former § 653e read as follows – your language of interest is in the first sentence:](#)**

653e. Any person, firm or corporation, or officer or director of a corporation, or superintendent, manager or other agent of such person, firm or corporation who, after having discharged an employee from the service of such person, firm or corporation or after having paid off an employee voluntarily leaving such service, shall, by word, writing or any other means whatsoever, misrepresent and thereby prevent or attempt to prevent such former employee from obtaining employment with any other person, firm or corporation, shall be punished by a fine not exceeding two thousand dollars and shall be liable in treble damages to any such employee sustaining damages through a violation of this section. Any person, firm or corporation who shall knowingly cause, suffer or permit an agent, superintendent, manager or other employee in his or its employ to commit a violation of this section, or who shall fail to take all reasonable steps within his or its power to prevent such violation of this act, shall be guilty of a violation of the provisions of this section and be subject to the penalty hereinbefore provided. Nothing in this section shall be construed to prevent an employer as hereinbefore defined or an agent, employee, superintendent or manager of such employer to furnish, upon special request therefor, a truthful statement concerning the reason for the discharge of an employee or why an employee voluntarily left the service of the employer; *provided, however*, that if such statement shall in connection therewith furnish any mark, sign or other means whatever conveying information different from that expressed by words therein, such fact, or the fact that such statement or other means of furnishing information was given without a special request therefor, shall be prima facie evidence of a violation of the provisions of this section.

#### **[As amended in 1929, former § 653e, in pertinent part, read as follows:](#)**

653e. Any person, firm or corporation, or officer or director of a corporation, or superintendent, manager or other agent of such person, firm or corporation who, after having discharged an employee from the service of such person, firm or corporation or after having paid off an employee voluntarily leaving such service, shall, by word, writing or any other means whatsoever, misrepresent and thereby prevent or

attempt to prevent such former employee from obtaining employment with any other person, firm or corporation, and any person, firm or corporation or agent or officer thereof, who shall require, as a condition precedent to securing or retaining employment, that an employee or applicant for employment be photographed or fingerprinted by any person, firm or association which desires his photograph or fingerprints for the purpose of furnishing same or information concerning same or concerning the said employee, or applicant for employment, to any other employer or third person, which could be used to the detriment of such employee, or applicant for employment, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment. Any person, firm or corporation who shall knowingly cause, suffer or permit an agent, superintendent, manager or other employee in his or its employ to commit a violation of this section, or who shall fail to take all reasonable steps within his or its power to prevent such violation of this act, shall be guilty of a violation of the provisions of this section and be subject to the penalties herein provided.

**When codified in 1937, the statute read as follows:**

1050. Any person, or agent or officer thereof, who, after having discharged an employee from the service of such person or after having paid off an employee voluntarily leaving such service, by any misrepresentation prevents or attempts to prevent the former employee from obtaining employment, is guilty of a misdemeanor.

**The 1981 amendments substituted “an employee has voluntarily left” for “having paid off an employee voluntarily leaving”.**

**Your review of the above annotations will help you determine which bill or bills brought in your language of interest in § 1050. We do not recommend ordering the legislative history of the 1937 codification because this was not a substantive bill.**

**Tracing Statutory Language:**

- Research fees can be minimized by ordering only the bills that affected specific subdivisions or phrases of interest to you.
- Changes to statutes can sometimes be determined by the annotations provided by Deering's, Westlaw, and Lexis.
- **If annotations are not available**, one strategy is to look at each chaptered law noted above to observe the changes. **Another strategy** is to retain us to *trace* your language and report our findings back to you.

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