

AMENDED IN ASSEMBLY APRIL 15, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2075**

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**Introduced by Assembly Member Fuentes**

February 19, 2008

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An act to amend Section 206.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2075, as amended, Fuentes. Wages: execution of release of claim or right.

Existing law prohibits an employer from requiring the execution of a release of a claim or right on account of wages due, or to become due, or made as an advance on wages to be earned unless payment of those wages has been made. Under existing law, it is a misdemeanor for an employer to violate the prohibition and a release required or executed in violation of the prohibition is null and void.

This bill would define execution of a release to include requiring an employee, as a condition of being paid, to execute a ~~false~~ statement of the hours he or she worked during a pay period *which the employer knows to be false* and would make additional technical, nonsubstantive changes. By adding to what is included within the prohibition of an execution of a release, the bill would expand the crime resulting from a violation of that prohibition, thereby imposing 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 206.5 of the Labor Code is amended to  
2 read:

3 206.5. (a) An employer shall not require the execution of a  
4 release of a claim or right on account of wages due, or to become  
5 due, or made as an advance on wages to be earned, unless payment  
6 of those wages has been made. A release required or executed in  
7 violation of the provisions of this section shall be null and void as  
8 between the employer and the employee. Violation of this section  
9 by the employer is a misdemeanor.

10 (b) For purposes of this section, “execution of a release” includes  
11 requiring an employee, as a condition of being paid, to execute a  
12 false statement of the hours he or she worked during a pay period  
13 which the employer knows to be false.

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