

HOUSE BILL 2084

By Jones

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 8; Title 39, Chapter 14 and Title 50, Chapter  
2, relative to wages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. § 3402; and

(2) "Employer":

(A) Means an individual or entity that employs one (1) or more employees; and

(B) Includes the state and its political subdivisions.

(b) A person commits the offense of wage theft who, acting as an employer, hires an employee for a wage and intentionally does not pay the employee for the services the employee provides, at the minimum wage rate required under the federal Fair Labor Standards Act (FLSA) (29 U.S.C. § 201 et seq.); title 50, chapter 2; or the employment agreement between the employer and employee, whichever is greater, and at the interval required under the FLSA; title 50, chapter 2; or the employment agreement between the employer and employee, whichever is more frequent.

(c) The offense of wage theft must be graded as theft of services in accordance with § 39-14-105.

(d) The appropriate district attorney general may enforce this section, and this section does not prohibit the appropriate district attorney general from enforcing this section. In addition, the department of labor and workforce development may refer information regarding a suspected commission of the offense of wage theft of this to the appropriate district attorney general for prosecution.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it, and applies to conduct occurring on or after that date.