

By: Walls

To: Judiciary

SENATE BILL NO. 2399

1 AN ACT TO CRIMINALIZE THE ACTION OF TERMINATING OR  
2 THREATENING TO TERMINATE EMPLOYMENT BECAUSE OF JURY DUTY OR OTHER  
3 DISSUASION FROM SERVICE AS JUROR; TO CREATE A CIVIL CAUSE OF  
4 ACTION FOR RETALIATION; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. (1) Any person, corporation, partnership,  
7 association or other entity who is an employer or the employee,  
8 agent or officer of an employer, vested with the power to  
9 terminate or recommend termination of employment, of a person who  
10 is a juror or who has received a summons to appear for jury duty,  
11 and who deprives the juror or person summoned of his employment,  
12 as a consequence of his service as a juror or prospective juror,  
13 or who asserts to the juror or person summoned that his service as  
14 a juror or prospective juror will result in termination of his  
15 employment, is guilty of a misdemeanor.

16 (2) A person discharged from employment in violation of  
17 subsection (1) of this section may commence a civil action against  
18 his employer and obtain:

19 (a) Wages and benefits lost as a result of the  
20 violation;

21 (b) An order of reinstatement without loss of position,  
22 seniority or benefits;

23                   (c) Damages equal to the amount of the lost wages and  
24 benefits;

25                   (d) Reasonable attorney's fees fixed by the court; and

26                   (e) Punitive or exemplary damages in an amount not to  
27 exceed Fifty Thousand Dollars (\$50,000.00).

28           (3) Each summons to appear for jury duty must be accompanied  
29 by a notice to the employer of the person summoned. The notice  
30 must inform the employer that the person has been summoned for  
31 jury duty and must include a copy of the provisions of subsections  
32 (1) and (2) of this section. The person summoned, if he is  
33 employed, shall give the notice to his employer at least one (1)  
34 day before he is to appear for jury duty.

35           (4) Except as otherwise provided in this section, any person  
36 who in any manner dissuades or attempts to dissuade a person who  
37 has received a summons to appear for jury duty from serving as a  
38 juror is guilty of a misdemeanor.

39           SECTION 2. This act shall take effect and be in force from  
40 and after July 1, 2000.