

By: Senator(s) Walls

To: Judiciary, Division A

SENATE BILL NO. 2600

1 AN ACT TO AMEND SECTION 13-5-35, MISSISSIPPI CODE OF 1972, TO  
2 CREATE A CIVIL CAUSE OF ACTION FOR TERMINATING EMPLOYMENT BECAUSE  
3 OF JURY DUTY OR OTHER DISSUASION FROM SERVICE AS A JUROR; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 13-5-35, Mississippi Code of 1972, is  
7 amended as follows:

8 13-5-35. (1) It shall be unlawful for any employer or any  
9 other person to persuade or attempt to persuade any juror to avoid  
10 jury service; to intimidate or to threaten any juror in that  
11 respect; or to remove or otherwise subject an employee to adverse  
12 employment action as a result of jury service if the employee  
13 notifies his or her employer that he or she has been summoned to  
14 serve as a juror within a reasonable period of time after receipt  
15 of a summons.

16 (2) It shall be unlawful for an employer to require or  
17 request an employee to use annual, vacation or sick leave for time  
18 spent responding to a summons for jury duty, time spent  
19 participating in the jury selection process, or time spent  
20 actually serving on a jury. Nothing in this provision shall be  
21 construed to require an employer to provide annual, vacation or  
22 sick leave to employees under the provisions of this statute who  
23 otherwise are not entitled to such benefits under company  
24 policies.

25 (3) Any violation of subsection (1) or (2) of this section  
26 shall be deemed an interference with the administration of justice  
27 and a contempt of court and punishable as such.

28           (4) A court shall automatically postpone and reschedule the  
29 service of a summoned juror employed by an employer with five (5)  
30 or fewer full-time employees, or their equivalent, if another  
31 employee of that employer has previously been summoned to appear  
32 during the same period. Such postponement will not constitute the  
33 excused individual's right to one (1) automatic postponement under  
34 Section 13-5-24.

35           (5) A person discharged from employment in violation of  
36 subsection (1) of this section may commence a civil action against  
37 his employer and obtain:

38                   (a) Wages and benefits lost as a result of the  
39 violation;

40                   (b) An order of reinstatement without loss of position,  
41 seniority or benefits;

42                   (c) Damages equal to the amount of the lost wages and  
43 benefits;

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

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

47           **SECTION 2.** This act shall take effect and be in force from  
48 and after January 1, 2007.