

By: Senator(s) Walls

To: Judiciary, Division A

SENATE BILL NO. 2300

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 [From and after January 1, 2008, this section shall read as
9 follows:]

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

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

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

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

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

40 (a) Wages and benefits lost as a result of the
41 violation;

42 (b) An order of reinstatement without loss of position,
43 seniority or benefits;

44 (c) Damages equal to the amount of the lost wages and
45 benefits;

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

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

49 **SECTION 2.** This act shall take effect and be in force from
50 and after January 1, 2008.