

By: Senator(s) Brown, Ward

To: Accountability,
Efficiency, TransparencySENATE BILL NO. 2473
(As Sent to Governor)

1 AN ACT TO CREATE THE "PROHIBITION AGAINST EMPLOYER
2 INTIMIDATION ACT"; TO PROVIDE THAT NO PERSON, ORGANIZATION,
3 CORPORATION, UNION, AGENCY OR OTHER ENTITY THEREOF MAY DAMAGE,
4 HARM, INJURE OR THREATEN TO INJURE OR COERCE A BUSINESS, OR ANY
5 EMPLOYEE OR REPRESENTATIVE OF THE BUSINESS WITH THE INTENT TO
6 UNLAWFULLY INTIMIDATE THE BUSINESS OR ITS EMPLOYEES; TO PROVIDE
7 THAT NO PERSON, ORGANIZATION, CORPORATION, UNION, AGENCY OR OTHER
8 ENTITY THEREOF MAY CONSPIRE WITH ANOTHER, FOR THE PURPOSE OF
9 DISRUPTING LAWFUL COMMERCE IN PLACES OF BUSINESS; TO PROVIDE THAT
10 NO PERSON, ORGANIZATION, CORPORATION, UNION, AGENCY OR OTHER
11 ENTITY SHALL INTENTIONALLY OR RECKLESSLY DAMAGE BUSINESS PROPERTY
12 OF ANOTHER IN ANY MANNER; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** This act shall be known and cited as the
15 "Prohibition Against Employer Intimidation Act."

16 **SECTION 2.** The State of Mississippi is a right to work state
17 and the state's right to work laws are founded on the basic
18 principle that every individual has an inherent right to choose if
19 they want to join a union or an employee organization, and this
20 right to choose should not impact their employment. The State of
21 Mississippi recognizes the importance and necessity of fostering
22 economic development and job creation. Intimidation and coercion
23 against any business, can make the state an unwelcoming and



dangerous place for new business and job growth. Intimidation, extortion, and coercion are illegal and present a substantial risk to public safety and the well-being of the state's citizens, workers and businesses; and certain limited and reasonable restrictions are deemed necessary to protect our citizens from these harms.

SECTION 3. (1) No person, organization, corporation, union, agency or other entity thereof shall:

(a) Damage, harm, injure or threaten to injure or coerce a business, or any employee or representative of the business with the intent to unlawfully intimidate the business or its employees from exercising their rights, which are protected by state and federal law, in an effort to obtain something of value for a public or private organization, corporation, union, agency or other entity, including, but not limited to, a neutrality agreement, card check agreement, collective bargaining recognition or other objective of an organized initiative;

(b) Restrict a business, a union, or the owners or employees of a business, from exercising their rights, which are protected under state and federal law, in an effort to obtain something of value for a public or private organization, corporation, union, agency or other entity.

(c) Conspire with another, for the purpose of disrupting lawful commerce in places of business, where such



activity constitutes an assault or causes physical injury to any individual, located in or around the place of business.

(2) For purposes of this section, "something of value" includes, but is not limited to, a neutrality agreement, card check agreement, recognition or any other objective that is motivating such activities.

SECTION 4. (1) No person, organization, corporation, union, agency or other entity shall intentionally or recklessly damage the business property of another when either of the following applies:

(a) The property is used by its owner or possessor in the owner's or possessor's profession, business, trade or occupation; or

(b) The person damages or otherwise marks the property owner's merchandise.

(2) Any person who organizes, coordinates, controls, supervises, finances, manages, aids or abets any of the activities prohibited by subsection (1) of this section shall be charged and suffer the same penalties as the person, organization, corporation, union, agency or other entity.

SECTION 5. Nothing in the provisions of this act shall be construed to infringe and impede upon any individual's First Amendment rights.

SECTION 6. In any civil action filed under the provisions of this act, the prevailing plaintiff shall be entitled to damages



73 upon a showing that the conspiracy constitutes an assault or
74 causes physical injury, as defined by law for such causes of
75 action, to such plaintiff, in addition to any other damages
76 otherwise authorized by law.

77 **SECTION 7.** This act shall take effect and be in force from
78 and after July 1, 2014.

