

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1324
By: Garcia (Carona)
Jurisprudence
5/11/1999
Committee Report (Substituted)

DIGEST

Currently, an employer may terminate an employee for serving as a juror without criminal repercussions. Although most other states would make the firing a criminal offense, in Texas the employee may sue the former employer for up to six months' compensation and reasonable attorney's fees. C.S.H.B. 1324 would increase the minimum damage available to an amount equal to at least one year's compensation, make termination of an employee for performing jury duty a Class B misdemeanor, and allow a court to punish, by contempt, an employer who terminates an employee for performing jury duty or takes any other measures intending to dissuade an employee from performing jury duty.

PURPOSE

As proposed, C.S.H.B. 1324 amends statutes relating to termination of an employee who performs jury duty, and provides a criminal penalty.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 122.002(a), Civil Practice and Remedies Code, to provide that a person who is injured because of a violation of this chapter is entitled to reinstatement to the person's former position and to damages in an amount not less than an amount equal to one year's, rather than six months', compensation nor more than an amount equal to five years' compensation at the rate at which the person was compensated when summoned for jury service. Deletes text prohibiting the damages from exceeding an amount equal to six months' wage compensation.

SECTION 2. Amends Chapter 122, Civil Practice and Remedies Code, by adding Sections 122.0021 and 122.0022, as follows:

Sec. 122.0021. **CRIMINAL PENALTY.** Provides that a person commits a Class B misdemeanor if the person violates Section 122.001 (Juror's Right to Reemployment; Notice of Intent to Return).

Sec. 122.0022. **CONTEMPT.** Authorizes a court, in addition to and without limiting any other sanction or remedy available, to punish by contempt an employer who takes certain action against an employee because the employee performs jury duty.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 122.002(a), Civil Practice and Remedies Code, to prohibit compensation from exceeding more than an amount equal to five years' compensation.

SECTION 2.

Amends proposed Section 122.0022, Civil Practice and Remedies Code, to authorize a court to punish with contempt an employer who takes certain action against an employee who performs jury duty, rather than terminates or takes action to influence the employee not to attend jury duty.