

## **BILL ANALYSIS**

Senate Research Center  
86R5201 MEW-D

H.B. 504  
By: Dutton (Miles)  
State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been noted that the employment protections for a person who serves on a jury do not apply to a person who serves on a grand jury. H.B. 504 seeks to address this discrepancy by extending those protections to a person who serves as a grand juror.

H.B. 504 amends the Civil Practice and Remedies Code to extend the applicability of statutory provisions relating to a juror's right to reemployment to a person who serves as a grand juror.

H.B. 504 amends current law by relating to employment protections for a person serving as a grand juror.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 122.001, Civil Practice and Remedies Code, as follows:

Sec. 122.001. JUROR'S RIGHT TO REEMPLOYMENT; NOTICE OF INTENT TO RETURN. (a) Prohibits a private employer from terminating the employment of a permanent employee because the employee serves as a juror or grand juror.

(b) Entitles an employee whose employment is terminated in violation of this section to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from that service, gives the employer actual notice that the employee intends to return. Makes a nonsubstantive change.

SECTION 2. Amends Sections 122.002(a) and (c), Civil Practice and Remedies Code, as follows:

(a) Entitles a person who is injured because of a violation of this chapter (Jurors Right to Reemployment) to reinstatement to the person's former position and to damages in an amount not less than an amount equal to one year's compensation nor more than an amount equal to five years' compensation at the rate at which the person was compensated when summoned for jury or grand jury service. Makes a nonsubstantive change.

(c) Requires an action for damages brought by a person under Subsection (a) to be brought not later than the second anniversary of the date on which the person served as a juror or grand juror.

SECTION 3. Amends Section 122.0022, Civil Practice and Remedies Code, as follows:

Sec. 122.0022. CONTEMPT. Authorizes a court, in addition to and without limiting any other sanction or remedy available under this chapter or other law, to punish by contempt

an employer who terminates, threatens to terminate, penalizes, or threatens to penalize an employee because the employee performs jury or grand jury duty.

SECTION 4. Amends Section 122.003, Civil Practice and Remedies Code, as follows:

Sec. 122.003. DEFENSE. (a) Provides that it is a defense to an action brought under this chapter that the employer's circumstances changed while the employee served as a juror or grand juror so that reemployment was impossible or unreasonable.

(b) Requires an employer, to establish a defense under this section, to prove that the termination of employment was because of circumstances other than the employee's service as a juror or grand juror.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2019.