

By: Dutton

H.B. No. 1538

A BILL TO BE ENTITLED

AN ACT

relating to jury service; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 122.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 122.001. JUROR'S RIGHT TO REEMPLOYMENT; NOTICE OF INTENT TO RETURN. (a) A private employer may not terminate the employment of a permanent employee because the employee serves as a juror or grand juror.

(b) An employee whose employment is terminated in violation of this section is entitled 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 [jury] service, gives the employer actual notice that the employee intends to return.

SECTION 2. Sections 122.002(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) A person who is injured because of a violation of this chapter is entitled to reinstatement to his 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.

(c) An action for damages brought by a person under

1 Subsection (a) must be brought not later than the second
2 anniversary of the date on which the person served as a juror or
3 grand juror.

4 SECTION 3. Section 122.0022, Civil Practice and Remedies
5 Code, is amended to read as follows:

6 Sec. 122.0022. CONTEMPT. In addition to and without
7 limiting any other sanction or remedy available under this chapter
8 or other law, a court may punish by contempt an employer who
9 terminates, threatens to terminate, penalizes, or threatens to
10 penalize an employee because the employee performs jury or grand
11 jury duty.

12 SECTION 4. Section 122.003, Civil Practice and Remedies
13 Code, is amended to read as follows:

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

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

22 SECTION 5. The change in law made by this Act applies only
23 to an employer who terminates, threatens to terminate, penalizes,
24 or threatens to penalize an employee on or after the effective date
25 of this Act.

26 SECTION 6. This Act takes effect September 1, 2017.