

## **BILL ANALYSIS**

Senate Research Center

S.B. 370  
By: Watson  
State Affairs  
5/23/2019  
Enrolled

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

Texas law protects permanent employees of private companies from termination as a result of jury service. Federal law is more expansive in that it covers all permanent employees, as well as threats of discharge, intimidation, or coercion as a result of jury service.

Judges have noted that jurors have, during voir dire, indicated fear of negative employment consequences if they are selected to serve on a jury. Since the right to a jury trial is guaranteed by the Seventh Amendment, this right should not be undermined by employers who may retaliate against their employees. Amending Texas' statute to match the protections of the federal statute will help enforce this concept.

S.B. 370 would bring Texas in line with federal law in two key ways: (1) it would cover public and private employers, and (2) it would cover discharge, threats to discharge, intimidation, or coercion instead of just termination. At the same time, S.B. 370 does not encourage litigation or other employment disputes because it does not enhance or alter any of the existing remedies in statute.

Clarifying that employers may not retaliate in any way against their employees for completing jury service will better protect Texans' constitutional right to trial by jury. (Original Author's/Sponsor's Statement of Intent)

S.B. 370 amends current law relating to employment protections for jury service.

### **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. New heading: PROTECTION OF JURORS' EMPLOYMENT; JUROR'S RIGHT TO REEMPLOYMENT; NOTICE OF INTENT TO RETURN. (a) Prohibits an employer from discharging, threatening to discharge, intimidating, or coercing any permanent employee because the employee serves as a juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. Deletes existing text relating to a prohibition on the termination of such an employee by a private employer.

(b) Makes conforming changes to this subsection.

SECTION 2. Effective date: September 1, 2019.