By:  Dutton (Senate Sponsor - Miles) H.B. No. 504

(In the Senate - Received from the House April 29, 2019; April 30, 2019, read first time and referred to Committee on State Affairs; May 10, 2019, reported favorably by the following vote: Yeas 6, Nays 2; May 10, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes              X

Birdwell        X

Creighton       X

Fallon              X

Hall            X

Lucio           X

Nelson                    X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to employment protections for a person serving as a grand juror.

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 the person's [~~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 Subsection (a) must be brought not later than the second anniversary of the date on which the person served as a juror or grand juror.

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

Sec. 122.0022.  CONTEMPT. In addition to and without limiting any other sanction or remedy available under this chapter or other law, a court may 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.  Section 122.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 122.003.  DEFENSE. (a) 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)  To establish a defense under this section, an employer must prove that the termination of employment was because of circumstances other than the employee's service as a juror or grand juror.

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

SECTION 6.  This Act takes effect September 1, 2019.

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