

By: Dutton

H.B. No. 504

A BILL TO BE ENTITLED

AN ACT

1
2 relating to employment protections for a person serving as a grand
3 juror.

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

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

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

11 (b) An employee whose employment is terminated in violation
12 of this section is entitled to return to the same employment that
13 the employee held when summoned for jury or grand jury service if
14 the employee, as soon as practical after release from that ~~[jury]~~
15 service, gives the employer actual notice that the employee intends
16 to return.

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

19 (a) A person who is injured because of a violation of this
20 chapter is entitled to reinstatement to the person's ~~[his]~~ former
21 position and to damages in an amount not less than an amount equal
22 to one year's compensation nor more than an amount equal to five
23 years' compensation at the rate at which the person was compensated
24 when summoned for jury or grand jury service.

1 (c) An action for damages brought by a person under
2 Subsection (a) must be brought not later than the second
3 anniversary of the date on which the person served as a juror or
4 grand juror.

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

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

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

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

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

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

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