

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1185

(Delegate Shewell, *et al.*)

Judiciary

Judicial Proceedings

Courts - Trial Juries - Juror Payment

This bill increases the State juror per diem from \$15 to \$50 for each day of jury service after the fifth day. The bill also prohibits an employer from requiring that an employee use annual, vacation, or sick leave to respond to a jury summons.

The bill applies prospectively to service of petit juries after its July 1, 2005 effective date.

Fiscal Summary

State Effect: General fund expenditures would increase, perhaps significantly, for increased juror per diem payments. Revenues would not be affected.

Local Effect: Potential increase in expenditures for circuit courts for computer reprogramming costs.

Small Business Effect: None.

Analysis

Current Law: An employer may not deprive an employee of his employment solely because of job time lost by the employee as a result of responding to a jury summons, or as a result of attending court for service or prospective service as a petit or grand juror.

A juror must receive a State per diem amount of \$15 for each day the juror attends court. Each county and Baltimore City may supplement the State per diem amount by local ordinance.

Background: According to the April 2005 *ABA Journal*, juror payments range from \$6 per day in Texas to \$50 per day in Connecticut.

In 2004, Arizona established the “Lengthy Trial Fund,” imposing a \$15 surcharge on civil court filings to pay a full or partial earnings replacement or supplementation to jurors who serve for more than 10 days and receive less than full compensation from their employers. In its income based system, jurors receive \$12 for the first three days of service, at least \$40 but no more than \$100 for the fourth through tenth days, and no more than \$300 per day starting on the eleventh day.

State Expenditures: General fund expenditures would increase, perhaps significantly, due to the increase juror per diem reimbursements for extended cases. Because there is no statewide record of the number of days served by jurors, there is insufficient data to determine the actual number jurors serve for longer than five days.

The Administrative Office of the Courts (AOC) paid \$2.9 million in juror reimbursement fees in fiscal 2004, based on the \$15 per day State per diem. AOC advises that it does not have records of the exact number of jurors, because their costs are based on the number of jurors multiplied by the number of days (juror days). Based on the fiscal 2004 figures, AOC paid for approximately 190,750 juror days.

Legislative Services advises, *for illustrative purposes only*, that in calendar 2004, the circuit courts for Howard, Montgomery, and Prince George’s counties had a total of 286 jurors serving for more than 5 days, for a total of approximately 1,515 juror days. **Exhibit 1** shows the number of juror days, after the fifth day, for the above referenced counties. Assuming that these numbers remain constant, a \$50 per diem beginning on the sixth day would increase State expenditures by \$53,025 annually for those areas alone.

The Circuit Court for Baltimore City’s records identify the number of carry-over jurors that report each day, but do not indicate the number of days served by each juror. The Circuit Court for Anne Arundel County advises that in calendar 2004 it had a total of 11 trials carry over for more than five days.

Exhibit 1
Juror Days by County

<u>County</u>	<u>Juror Days</u>
Howard	49
Montgomery	76
Prince George's	<u>1,390</u>
Total	1,515

The number of possible jury trials (not including jury trial prayers from the District Court) varies considerably by jurisdiction, ranging from 410 in Garrett County to more than 45,000 in Baltimore City in fiscal 2004.

Local Effect: Circuit court expenditures may increase minimally due to computer reprogramming costs required to provide for the increased reimbursements after the fifth day. The increase will vary by jurisdiction to the extent that the jurisdictions have staff to reprogram the computer and that counties use varying methods to maintain jury rosters for payment purposes.

Additionally, counties currently make juror reimbursements and are subsequently reimbursed by AOC. Therefore, there will be an initial increase in local expenditures due to the increase in the juror per diem, but the monies will be recouped upon payment by the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany County, Anne Arundel County, Howard County, Montgomery County, Prince George's County, Talbot County, Judiciary (Administrative Office of the Courts), Baltimore City, American Bar Association, Department of Legislative Services

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