
By: **Delegates Rosenberg and Dumais**
Introduced and read first time: February 10, 2006
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Jury Service Reforms**

3 FOR the purpose of prohibiting an employer from disciplining, discriminating
4 against, or otherwise penalizing an employee because of time lost by the
5 employee as a result of service or prospective service as a juror under certain
6 circumstances; prohibiting an employer from requiring an employee to use
7 certain leave under certain circumstances; requiring an employer to provide
8 certain compensation to an employee as a result of certain service or prospective
9 service as a juror under certain circumstances; providing for certain penalties;
10 requiring a jury judge to excuse a person summoned for jury service under
11 certain circumstances; defining a certain term; providing for the application of
12 this Act; making stylistic changes; and generally relating to service or
13 prospective service as a juror.

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 8-105 and 8-210(a)
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Courts and Judicial Proceedings
21 Section 8-106(b) and (c) and 8-401(a)
22 Annotated Code of Maryland
23 (2002 Replacement Volume and 2005 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Courts and Judicial Proceedings

2 8-105.

3 (a) An employer may not deprive an employee of employment, OR DISCIPLINE,
4 DISCRIMINATE AGAINST, OR OTHERWISE PENALIZE AN EMPLOYEE, solely because of
5 job time lost by the employee as a result of responding to a summons issued under
6 this title, or as a result of attending court for service or prospective service as a petit
7 or grand juror under the provisions of this title.

8 (b) An employer may not require an employee to use the employee's annual,
9 vacation, or sick leave to respond to a summons issued under this title [for service on
10 a petit jury], OR AS A RESULT OF ATTENDING COURT FOR SERVICE OR PROSPECTIVE
11 SERVICE AS A PETIT OR GRAND JUROR UNDER THE PROVISIONS OF THIS TITLE.

12 (C) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
13 SUBSECTION, AN EMPLOYER SHALL COMPENSATE AN EMPLOYEE BECAUSE OF JOB
14 TIME LOST BY THE EMPLOYEE AS A RESULT OF RESPONDING TO A SUMMONS ISSUED
15 UNDER THIS TITLE, OR AS A RESULT OF ATTENDING COURT FOR SERVICE OR
16 PROSPECTIVE SERVICE AS A PETIT OR GRAND JUROR UNDER THE PROVISIONS OF
17 THIS TITLE.

18 (2) AN EMPLOYER SHALL PROVIDE COMPENSATION FOR EACH DAY OF
19 SERVICE OR PROSPECTIVE SERVICE AS A PETIT OR GRAND JUROR UNDER THE
20 PROVISIONS OF THIS TITLE BASED ON THE AMOUNT OF THE EMPLOYEE'S AVERAGE
21 DAILY COMPENSATION FROM THE EMPLOYER, LESS THE AMOUNT OF THE STATE PER
22 DIEM AND ANY APPLICABLE LOCAL SUPPLEMENT PAID OR PAYABLE TO THE
23 EMPLOYEE IN ACCORDANCE WITH THIS TITLE.

24 8-106.

25 (b) (1) Except as provided in paragraph (2) of this subsection, a juror shall
26 receive a State per diem amount of \$15 for each day the juror attends court.

27 (2) On or after July 1, 2005, a juror called to serve as a petit juror who
28 serves more than 5 days for a trial shall receive:

29 (i) A State per diem amount of \$15 for each day the juror attends
30 court for the first 5 days; and

31 (ii) For each day of service more than 5 days, a State per diem
32 amount of \$50.

33 (c) The government of each county and Baltimore City may supplement the
34 State per diem amount by local ordinance.

35 8-210.

36 (a) (1) IN THIS SUBSECTION, "GOOD CAUSE" MEANS:

- 1 (I) ILLNESS;
- 2 (II) LACK OF TRANSPORTATION;
- 3 (III) LACK OF CHILD CARE;
- 4 (IV) BUSINESS OR EMPLOYMENT HARDSHIP;
- 5 (V) OTHER HARDSHIP OR EXTREME INCONVENIENCE; OR
- 6 (VI) PUBLIC NECESSITY.

7 (2) (I) Any person summoned for jury service [may] SHALL be excused
8 by the jury judge if the person shows [that undue hardship, extreme inconvenience,
9 or public necessity require his excuse] GOOD CAUSE, but only for the period the jury
10 judge deems necessary.

11 (II) At the conclusion of this period the person shall be summoned
12 again for jury service under the provisions of § 8-208 of this [title] SUBTITLE.

13 8-401.

14 (a) An employer who violates the provisions of § 8-105 of this title may be
15 fined not more than \$1,000.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed to apply only prospectively and may not be applied or interpreted to have
18 any effect on or application to any person summoned for jury service before the
19 effective date of this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2006.