Department of Legislative Services

Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1343   (Delegates Rosenberg and Dumais)
Judiciary

Jury Service Reforms

This bill specifies that an employer is prohibited from disciplining, discriminating against, or otherwise penalizing an employee solely because of job time lost as a result of: (1) responding to a jury summons; or (2) court attendance for prospective or actual jury service. Employers are required to compensate employees for job time lost in these situations. Also, employers must compensate employees for each day of job time lost in an amount equal to the employee's average daily compensation from the employer minus what the employee receives from the State and the local jurisdiction for jury service.

The bill applies to jury summons and jury service prospectively from the October 1, 2006 effective date.

Fiscal Summary

State Effect: Any increase in State expenditures due to an increase in the number of actions by employees against employers in District Court for violations of the provisions of this bill could be handled by the existing resources of the Judiciary.

Local Effect: For the reasons stated above, any increase in actions in circuit courts as a result of this bill could be handled by existing local resources. The effect on the size of local jury pools stemming from the bill's requirement that a jury judge must excuse a prospective juror under specified circumstances cannot be reliably estimated at this time.

Small Business Effect: Meaningful. Small business employers could experience a significant increase in expenditures since they are not currently obligated to pay employees for job time lost due to jury duty.

Analysis

Bill Summary: The bill also provides that an employer may not require an employee to use the employee's annual, vacation, or sick leave as a result of attending court for actual or prospective service as a petit or grand juror. A person must be excused from jury service for a period the jury judge deems necessary, if the person shows the absence is due to: (1) illness; (2) lack of transportation; (3) lack of child care; (4) business or employment hardship; (5) other hardship or extreme inconvenience; or (6) public necessity.

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. Pursuant to Chapter 596 of 2005, an employer may not require an employee to use the employee's annual, vacation, or sick leave to respond to a jury summons for service on a petit jury.

Pursuant to Chapter 596 of 2005, a juror must receive a State per diem amount of $15 for the first five days the juror attends court. After the fifth day of service, jurors receive $50 per day. Each county and Baltimore City may supplement the State per diem amount by local ordinance.

Any person summoned for jury service may be excused by the jury judge if the person shows that undue hardship, extreme inconvenience, or public necessity require his excuse, but only for the period the jury judge deems necessary. At the conclusion of this period the person shall be summoned again for jury service.

Background: The national daily average juror no-show rate ranges from 10% in rural areas to 50% in urban regions. In Maryland, the juror no-show rate varies by jurisdiction. Baltimore City had a 63% rate in 2005, Baltimore County had a 15% rate, and Montgomery County did not have a juror no-show problem.

Additional Information

Prior Introductions: None.

Cross File: SB 733 (Senator Stone) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); "The American Jury," Janet Stidman Eveleth, *Maryland Daily Record*, Law Day Supplement, May 2, 2005; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2006
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