

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1320

(Delegate Glenn, *et al.*)

Judiciary

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Courts - Jury Service - Employer Compensation

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This bill requires an employer to compensate an employee for job time lost as a result of responding to a summons issued for jury service. An employer must provide compensation to an employee for each day of service as a juror based on the amount of the employee's average daily compensation from the employer, less the amount of the State per diem and any applicable local supplement paid or payable to the employee. Existing penalties relating to employers and jury duty apply to a violation of the bill's provisions.

The bill applies prospectively to jury service from the October 1, 2010 effective date.

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Fiscal Summary

**State Effect:** Minimal increase in general fund revenues due to the bill's penalty provision. The Judiciary can handle any increase in the number of actions by employees against employers in District Court for violations of the bill with existing resources.

**Local Effect:** None. It is assumed that the majority of actions will involve amounts of less than \$5,000 and, therefore, be filed in the District Court.

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

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Analysis

**Current Law:** State law does not require employers to pay their employees while they are serving jury duty. However, an employer may not require an employee to use annual,

sick, or vacation leave to respond to a summons for jury service. An employer may not deprive an individual of employment or coerce, intimidate, or threaten to discharge an individual because of employment time lost due to jury service. A person who violates these provisions is subject to a fine not exceeding \$1,000.

Individuals required to be in attendance at or in proximity to a circuit court for jury service are generally entitled to a State per diem payment of \$15 for each day of service. Pursuant to Chapter 596 of 2005, trial jurors are entitled to a per diem of \$50 for each day of service in excess of five days. Each county and Baltimore City may supplement the State per diem amount by local ordinance.

The District Court has exclusive jurisdiction over a small claims action, which is a civil action for money in which the amount claimed does not exceed \$5,000 exclusive of interest, costs, and attorneys fees, if attorney's fees are recoverable by law or contract.

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### **Additional Information**

**Prior Introductions:** HB 1343 of 2006, a similar bill, received a hearing in the House Judiciary Committee, but was withdrawn. Its cross file, SB 733, received a hearing in the Senate Judicial Proceedings Committee, but was withdrawn.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2010  
mpc/kdm

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