

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1136
Judiciary

(Delegate Glenn, *et al.*)

Courts - Jury Service - Employer Compensation

This bill requires an employer with 10 or more employees 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, 2011 effective date.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: Minimal increase in revenues due to the expanded application of penalty provisions. The circuit courts can handle any increase in the number of actions against employers for violations of the bill with existing resources.

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.

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. 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.

Local Fiscal Effect: Baltimore, Garrett, and Montgomery counties advise that their employees currently receive paid leave for jury duty, so the bill has no fiscal impact.

Additional Information

Prior Introductions: HB 1320 of 2010, a similar bill, received an unfavorable report from the House Judiciary Committee. 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): Baltimore, Garrett, Howard, and Montgomery counties; Department of Budget and Management; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2011
ncs/kdm

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