

SENATE BILL NO. 208—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 5, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing employees who are summoned to appear for jury duty. (BDR 1-660)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to juries; prohibiting employers from requiring employees to use certain leave for jury duty; prohibiting employers from requiring employees who are summoned to appear for jury duty to work certain hours; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits an employer from terminating a person who is
2 summoned for jury duty and prohibits any person from dissuading a person from
3 serving as a juror. (NRS 6.190)

4 This bill makes it a misdemeanor for an employer to: (1) require an employee
5 to use sick leave or vacation time for jury duty; or (2) require an employee who is
6 summoned to appear for jury duty to work certain hours.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 6.190 is hereby amended to read as follows:
2 6.190 1. Any person, corporation, partnership, association or
3 other entity who is:
4 (a) An employer; or



(b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment, of a person who is a juror or who has received a summons to appear for jury duty, and who deprives the juror or person summoned of his employment, as a consequence of his service as a juror or prospective juror, or who asserts to the juror or person summoned that his service as a juror or prospective juror will result in termination of his employment, is guilty of a gross misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil action against his employer and obtain:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) Damages equal to the amount of the lost wages and benefits;

(d) Reasonable attorney's fees fixed by the court; and

(e) Punitive or exemplary damages in an amount not to exceed \$50,000.

3. *If a person is summoned to appear for jury duty, the employer and any employee, agent or officer of the employer shall not, as a consequence of the person's service as a juror or prospective juror:*

(a) Require the person to use sick leave or vacation time; or

(b) Require the person to work:

(1) Within 8 hours before the time at which he is to appear for jury duty; or

(2) If his service has lasted for 4 hours or more on the day of his appearance for jury duty, including his time going to and returning from the place where the court is held, between 5 p.m. on the day of his appearance for jury duty and 3 a.m. the following day.

Any person who violates the provisions of this subsection is guilty of a misdemeanor.

4. Each summons to appear for jury duty must be accompanied by a notice to the employer of the person summoned. The notice must inform the employer that the person has been summoned for jury duty and must include a copy of the provisions of subsections 1 ~~and 2~~, 2 and 3. The person summoned, if he is employed, shall give the notice to his employer at least ~~1 day~~ 3 days before he is to appear for jury duty.

~~4~~ 5. Except as otherwise provided in this section, any person who in any manner dissuades or attempts to dissuade a person who has received a summons to appear for jury duty from serving as a juror is guilty of a misdemeanor.



1 **Sec. 2.** This act becomes effective upon passage and approval.

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