

FIRST REGULAR SESSION

# HOUSE BILL NO. 1521

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOSLEY.

3114H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To repeal sections 488.040, 494.455, and 494.460, RSMo, and to enact in lieu thereof two new sections relating to the compensation of jurors.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 488.040, 494.455, and 494.460, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 494.455 and 494.460, to read as follows:

494.455. 1. Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this section.

2. Each grand and petit juror shall receive ~~[six]~~ **twenty-five** dollars per day, for every day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 pay any such additional compensation even if such additional compensation is formally  
18 approved or authorized by the governing body of a county or a city not within a county.  
19 Provided that a county or a city not within a county authorizes daily compensation payable  
20 from county or city funds for jurors who serve in that county pursuant to this subsection in the  
21 amount of at least six dollars per day in addition to the amount required by this subsection, a  
22 person shall receive an additional six dollars per day to be reimbursed by the state of Missouri  
23 so that the total compensation payable shall be at least ~~[eighteen]~~ **thirty-seven** dollars, plus  
24 mileage for each day that the person actually serves as a petit juror in a particular case; or for  
25 each day that a person actually serves as a grand juror during a term of a grand jury. The state  
26 shall reimburse the county for six dollars of the additional juror compensation provided by  
27 this subsection.

28         3. In any county of the first classification without a charter form of government and  
29 with a population of at least two hundred thousand inhabitants, no grand or petit juror shall  
30 receive compensation for the first two days of service, but shall receive fifty dollars per day  
31 for the third day and each subsequent day he or she may actually serve as such, and seven  
32 cents for every mile he or she may necessarily travel going from his or her place of residence  
33 to the courthouse and returning, to be paid from funds of the county.

34         **4. If a person is employed, in addition to the compensation owed to such person**  
35 **under subsection 2 or 3 of this section, an employer may compensate such person his or**  
36 **her daily average minimum pay for each day such person actually serves on a jury.**

37         **5.** When each panel of jurors summoned and attending court has completed its  
38 service, the board of jury commissioners shall cause to be submitted to the governing body of  
39 the county or a city not within a county a statement of fees earned by each juror. Within thirty  
40 days of the submission of the statement of fees, the governing body shall cause payment to be  
41 made to those jurors summoned the fees earned during their service as jurors.

494.460. 1. An employer shall not terminate, discipline, threaten or take adverse  
2 actions against an employee on account of that employee's receipt of or response to a jury  
3 summons.

4         2. An employee discharged in violation of this section may bring civil action against  
5 his or her employer within ninety days of discharge for recovery of lost wages and other  
6 damages caused by the violation and for an order directing reinstatement of the employee. If  
7 the employee prevails, the employee shall be entitled to receive a reasonable attorney's fee.

8         3. An employee ~~[may]~~ **shall** not be required or requested to use annual, vacation,  
9 personal, or sick leave for time spent responding to a summons for jury duty~~[-]~~ **or time spent**  
10 **participating in the jury selection process**~~[-, or time spent actually serving on a jury]~~. **Except**  
11 **if an employee actually serves on a jury**, nothing in this provision shall be construed to  
12 require an employer to provide annual, vacation, personal, or sick leave to employees under

13 the provisions of this statute who otherwise are not entitled to such benefits under company  
14 policies. **Any employee required to actually serve on a jury may be compensated by an**  
15 **employer as provided under subsection 4 of section 494.455.**

16 4. A court shall automatically postpone and reschedule the service of a summoned  
17 juror of an employer with five or fewer full-time employees, or their equivalent, if another  
18 employee of that employer has been previously summoned to appear during the same period.  
19 Such postponement will not effect an individual's right to one automatic postponement  
20 pursuant to section 494.432.

2 ~~[488.040. 1. Each grand and petit juror shall, pursuant to the~~  
3 ~~provisions of section 494.455, receive six dollars per day for every day he or~~  
4 ~~she may actually serve as such and seven cents for every mile he or she may~~  
5 ~~necessarily travel going from his or her place of residence to the courthouse~~  
6 ~~and returning, to be paid from funds of the county or a city not within a county.~~

7 ~~2. Provided that a county or a city not within a county authorizes daily~~  
8 ~~compensation payable from county or city funds for jurors who serve in that~~  
9 ~~county pursuant to subsection 3 of this section in the amount of at least six~~  
10 ~~dollars per day in addition to the amount required by subsection 1 of this~~  
11 ~~section, a person shall receive an additional six dollars per day, pursuant to the~~  
12 ~~provisions of section 494.455, to be reimbursed by the state of Missouri so that~~  
13 ~~the total compensation payable shall be at least eighteen dollars, plus mileage~~  
14 ~~as indicated in subsection 1 of this section, for each day that the person~~  
15 ~~actually serves as a petit juror in a particular case; or for each day that a person~~  
16 ~~actually serves as a grand juror during a term of a grand jury. The state shall~~  
17 ~~reimburse the county for six dollars of the additional juror compensation~~  
18 ~~provided by this subsection.~~

19 ~~3. The governing body of each county or a city not within a county~~  
20 ~~may authorize additional daily compensation and mileage allowance for~~  
21 ~~jurors, which additional compensation shall be paid from the funds of the~~  
22 ~~county or a city not within a county. The governing body of each county or a~~  
23 ~~city not within a county may authorize additional daily compensation and~~  
24 ~~mileage allowance for jurors attending a coroner's inquest. Jurors may receive~~  
25 ~~the additional compensation and mileage allowance authorized by this~~  
26 ~~subsection only if the governing body of the county or the city not within a~~  
27 ~~county authorizes the additional compensation. The provisions of this~~  
28 ~~subsection authorizing additional compensation shall terminate upon the~~  
29 ~~issuance of a mandate by the Missouri supreme court which results in the state~~  
30 ~~of Missouri being obligated or required to pay any such additional~~  
31 ~~compensation even if such additional compensation is formally approved or~~  
32 ~~authorized by the governing body of a county or a city not within a county.~~

33 ~~4. When each panel of jurors summoned and attending court has~~  
34 ~~completed its service, the board of jury commissioners shall cause to be~~  
35 ~~submitted to the governing body of the county or a city not within a county a~~  
~~statement of fees earned by each juror. Within thirty days of the submission of~~

36 ~~the statement of fees, the governing body shall cause payment to be made to~~  
37 ~~those jurors summoned the fees earned during their service as jurors.]~~

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