

SECOND REGULAR SESSION

# HOUSE BILL NO. 2365

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOSLEY.

4717H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

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Section A. Sections 488.040, 494.455, and 494.460, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 488.040, 494.455, and 494.460, to read as follows:

488.040. 1. Each grand and petit juror shall, pursuant to the provisions of section 494.455, 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.

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

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.

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

28           4. When each panel of jurors summoned and attending court has completed its service,  
29 the board of jury commissioners shall cause to be submitted to the governing body of the county  
30 or a city not within a county a statement of fees earned by each juror. Within thirty days of the  
31 submission of the statement of fees, the governing body shall cause payment to be made to those  
32 jurors summoned the fees earned during their service as jurors.

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

4           2. Each grand and petit juror shall receive [~~six~~] **twenty-five** dollars per day, for every  
5 day he or she may actually serve as such, and seven cents for every mile he or she may  
6 necessarily travel going from his or her place of residence to the courthouse and returning, to be  
7 paid from funds of the county or a city not within a county. The governing body of each county  
8 or a city not within a county may authorize additional daily compensation and mileage allowance  
9 for jurors, which additional compensation shall be paid from the funds of the county or a city not  
10 within a county. The governing body of each county or a city not within a county may authorize  
11 additional daily compensation and mileage allowance for jurors attending a coroner's inquest.  
12 Jurors may receive the additional compensation and mileage allowance authorized by this  
13 subsection only if the governing body of the county or the city not within a county authorizes the  
14 additional compensation. The provisions of this subsection authorizing additional compensation  
15 shall terminate upon the issuance of a mandate by the Missouri supreme court which results in  
16 the state of Missouri being obligated or required to pay any such additional compensation even  
17 if such additional compensation is formally approved or authorized by the governing body of a  
18 county or a city not within a county. Provided that a county or a city not within a county  
19 authorizes daily compensation payable from county or city funds for jurors who serve in that

20 county pursuant to this subsection in the amount of at least six dollars per day in addition to the  
21 amount required by this subsection, a person shall receive an additional six dollars per day to be  
22 reimbursed by the state of Missouri so that the total compensation payable shall be at least  
23 ~~eighteen~~ **thirty-seven** dollars, plus mileage for each day that the person actually serves as a  
24 petit juror in a particular case; or for each day that a person actually serves as a grand juror  
25 during a term of a grand jury. The state shall reimburse the county for six dollars of the  
26 additional juror compensation provided by this subsection.

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

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

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

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

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

7 3. An employee ~~may~~ **shall** not be required or requested to use annual, vacation,  
8 personal, or sick leave for time spent responding to a summons for jury duty~~;~~ **or** time spent  
9 participating in the jury selection process~~[- or time spent actually serving on a jury].~~ **Except if**  
10 **an employee actually serves on a jury**, nothing in this provision shall be construed to require  
11 an employer to provide annual, vacation, personal, or sick leave to employees under the  
12 provisions of this statute who otherwise are not entitled to such benefits under company policies.  
13 **Any employee required to actually serve on a jury shall be compensated by an employer**  
14 **as provided under subsection 4 of section 494.455.**

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

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