STATE OF NEW YORK

6758

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to setting the amount of the allowance that trial and grand jurors are entitled to at the minimum wage

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section 521 of the judiciary law, as amended by chapter 302 of the laws of 2002, is amended to read as follows:

(a) Except as provided in subdivision (b) of this section, trial and grand jurors in each court of the unified court system shall be entitled to an allowance equal to the [~~sum of forty dollars per day~~] **applicable minimum wage under section six hundred fifty-two of the labor law based on the court's location** for each and every day of physical attendance wherein the court convenes, except that no person who is employed shall be entitled to receive such allowance if, pursuant to section five hundred nineteen of this article, his or her employer is prohibited from withholding the [~~first forty dollars of~~] wages of such person during such period and such person's daily wages equal or exceed [~~forty dollars~~] **such allowance**. [~~If such person's daily wages are less than forty dollars, he or she shall be entitled to receive an allowance hereunder equal to the difference between forty dollars and the amount of his or her daily wages.~~] Such fees and those expenses actually and necessarily incurred in providing food and lodging for jurors shall be a state charge payable out of funds appropriated to the office of court administration for that purpose.

§ 2. Section 519 of the judiciary law, as added by chapter 85 of the laws of 1995, is amended to read as follows:

§ 519. Right of juror to be absent from employment. Any person who is summoned to serve as a juror under the provisions of this article and

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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who notifies his or her employer to that effect prior to the commencement of a term of service shall not, on account of absence from employment by reason of such jury service, be subject to discharge or penalty. An employer may, however, withhold wages of any such employee serving as a juror during the period of such service; provided that an employer who employs more than ten employees shall not withhold the [~~first forty dollars of such~~] juror's daily wages during the first three days of jury service. Withholding of wages in accordance with this section shall not be deemed a penalty. Violation of this section shall constitute a criminal contempt of court punishable pursuant to section seven hundred fifty of this chapter.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law.