

# 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 mini-  
mum wage

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

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

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

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

23 § 519. Right of juror to be absent from employment. Any person who is  
24 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.

LBD10790-01-3

1 who notifies his or her employer to that effect prior to the commence-  
2 ment of a term of service shall not, on account of absence from employ-  
3 ment by reason of such jury service, be subject to discharge or penalty.  
4 An employer may, however, withhold wages of any such employee serving as  
5 a juror during the period of such service; provided that an employer who  
6 employs more than ten employees shall not withhold the [~~first forty~~  
7 ~~dollars of such~~] juror's daily wages during the first three days of jury  
8 service. Withholding of wages in accordance with this section shall not  
9 be deemed a penalty. Violation of this section shall constitute a crimi-  
10 nal contempt of court punishable pursuant to section seven hundred fifty  
11 of this chapter.

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