Superseded by 97 H.R. 6872 ✓

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97TH CONGRESS
1ST SESSION

H. R. 4395

To extend to all petit and grand jurors in the United States district courts eligibility for compensation for work injuries under title 5, United States Code, to provide for the taxing of attorney fees, as court costs, for a court appointed attorney in an action brought by a juror to protect his employment rights, and to authorize the service of jury summonses by ordinary mail.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1981

Mr. KASTENMEIER introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To extend to all petit and grand jurors in the United States district courts eligibility for compensation for work injuries under title 5, United States Code, to provide for the taxing of attorney fees, as court costs, for a court appointed attorney in an action brought by a juror to protect his employment rights, and to authorize the service of jury summonses by ordinary mail.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

INJURY COMPENSATION FOR JURORS

SECTION 1. (a) Chapter 81 of title 5, United States Code, is amended by inserting immediately after section 8141 the following new section:

"§ 8141a. Federal petit and grand jurors

"(a) For purposes of this section, 'Federal petit or grand juror' means a person who is selected pursuant to chapter 121 of title 28 and summoned to serve as a petit or grand juror and who is entitled to the fees provided for attendance in section 1871 of title 28.

"(b) Subject to the provisions of this section, this subchapter applies to a Federal grand or petit juror, except that entitlement to disability compensation payments does not commence until the day after the date of termination of service as a juror.

"(c) In administering this subchapter with respect to a juror covered by this section—

"(1) a juror is deemed to receive monthly pay at the minimum rate for grade GS–2 of the General Schedule unless the actual pay of such juror as a Government employee while serving on court leave is higher, in which case monthly pay is determined in accordance with section 8114 of this title, and

"(2) 'performance of duty' as a juror includes that time when the juror is (A) in attendance at court pur-

suant to a summons, (B) in deliberation, (C) sequestered by order of a judge, or (D) traveling to and from the courthouse pursuant to a jury summons or sequestration order, or as otherwise necessitated by order of court such as for the taking of a view.".

(b) The chapter analysis of chapter 81 of title 5, United States Code, is amended by inserting immediately after the item relating to section 8141 the following new item:

"8141a. Federal petit and grand jurors.".

(b) Section 8101(1) of title 5, United States Code, is amended—

(1) by striking out subparagraph (F); and

(2) in clause (iv) by striking out "; and" and inserting in lieu thereof a period.

TAXATION OF JUROR ATTORNEY'S FEES

SEC. 2. Section 1875(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" immediately after "(d)"; and

(2) by amending paragraph (2) to read as follows:

"(2) In any action or proceeding under this section, the court may award a prevailing employee who brings such action by retained counsel a reasonable attorney's fee as part of the costs. The court may tax a defendant employer, as costs payable to the court, the attorney fees and expenses incurred on behalf of a prevailing employee, in any case in

which such fees and expenses were paid pursuant to paragraph (1) of this subsection. The court may award a prevailing employer a reasonable attorney's fee as part of the costs only if the court finds that the action is frivolous, vexatious, or brought in bad faith.".

SERVICE OF SUMMONS FOR JURY SERVICE

SEC. 3. (a) The second paragraph of section 1866(b) of title 28, United States Code, is amended to read as follows:

"Each person drawn for jury service may be served personally, or by registered, certified, or first class mail addressed to such person at his usual residence or business address.".

(b) The fourth paragraph of section 1866(b) of title 28, United States Code, is amended to read as follows:

"If such service is made by mail, the summons may be served by the marshal, clerk, or jury commission, or their duly designated deputies, who shall make affidavit of service and shall attach thereto any receipt from the addressee for a registered or certified summons.".

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