

**House Bill 6167**

**Sponsor: Rep. Chris Kolb**

**Committee: Employment Relations,  
Training and Safety**

**Complete to 8-28-02**

**A SUMMARY OF HOUSE BILL 6167 AS INTRODUCED 6-5-02**

House Bill 6167 would create a new act entitled the Crime Victims Leave Act, to permit employees to receive unpaid leave to attend certain court proceedings.

Under the bill, an employee who was a crime victim would be entitled to a total of not more than 12 workweeks of unpaid leave during any 12-month period to attend the trial or other court proceeding of the defendant. The bill would require that the employee provide his or her employer with all of the following, if requesting unpaid leave: a) reasonable notice of the date, time, and anticipated duration of the trial or court proceeding for which unpaid leave was sought; and b) a statement from the prosecuting attorney confirming that the employee was a crime victim. The statement required would be in a form prescribed by the Department of the Attorney General.

In addition, an employee who was granted unpaid leave under the bill would be required to provide his or her employer with a statement from the clerk of the court in which the trial or court proceeding occurred, confirming the date and time that the employee attended the proceeding. This statement would also be in a form prescribed by the Department of Attorney General.

Finally, the bill would prohibit an employer from discharging an employee for requesting unpaid leave under the act, and also from prohibiting or discouraging an employee from doing so. Under the bill, an employer who violated these prohibitions would be liable to an employee in a civil action for all damages incurred, including reasonable attorney fees.

Definitions. Under the bill, "crime victim" would be defined to mean any of the following: i) an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime; ii) the following individuals if the victim is deceased: a) the spouse; b) a child if 18 years of age or older; c) the guardian or custodian of a child of the deceased victim if the child is less than 18 years of age; d) a parent; e) a sibling; and, f) a grandparent; and, iii) a parent, guardian, or custodian of a victim who is less than 18 years of age, or who is mentally or emotionally unable to participate in the legal process.

The bill would define "employer" to mean a person who has one or more employees, including an agent of an employer and this state or a political subdivision of this state. The bill would define "employee" to mean a person who performs a service for wages or other

remuneration under a contract of hire, written or oral, express or implied. Employee would include a person employed by this state or a political subdivision of this state, except state classified civil service.

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.