



State Law Guide

EMPLOYMENT RIGHTS FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE

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In recent years, several states have enacted laws that provide domestic violence victims (and in some states, victims of sexual assault and stalking) time off from work to address the violence in their lives and/or that protect victims from employment discrimination related to the violence. *The details of each state's laws vary significantly.* Some laws provide leave only for court appearances; others provide leave to obtain support services, medical or legal assistance, or safe housing as well. In most cases leave is unpaid. Some laws include separate general discrimination provisions; others only explicitly protect individuals from discrimination related to having requested leave. There are also some jurisdictions that have general employment discrimination protections separate from leave provisions. Some states that have not passed domestic violence leave laws have crime victim protection laws that prohibit an employer from firing crime victims who take time off from work to appear in criminal court.

In addition to rights under these state laws, victims of domestic violence, stalking, or sexual assault may be able to take leave under the federal Family and Medical Leave Act (FMLA) or under comparable state or local laws. For more on FMLA protections, *see* Legal Momentum's Know Your Rights guide "[Medical Leave for Survivors and Family Members](#)." A victim of domestic violence, sexual assault or stalking who is fired or otherwise discriminated against at work may also have rights under sex discrimination laws or wrongful discharge laws. For more information on sex discrimination and wrongful discharge laws, *see* Legal Momentum's Know Your Rights guide "[Employment Discrimination Against Abused Women](#)."

This guide is divided into two main sections. The first section outlines existing state and county laws. The second section outlines proposed state legislation on this topic. Each of these sections is further divided into those laws or bills specific to domestic (and, where applicable, sexual) violence and those laws or bills that relate to crime victims more generally.

STATE AND COUNTY LAWS

Domestic and Sexual Violence Employment Rights Laws

CALIFORNIA: [Cal. Lab. Code §§ 230 & 230.1.](#)

An employer may not discharge or discriminate or retaliate against an employee who is a victim of domestic violence or sexual assault for taking time off to obtain or attempt to obtain a restraining order or any other judicial relief to help ensure his or her health, safety, or welfare or that of his or her child. The employee must give the employer reasonable notice unless advance notice is not feasible. The employer may require that the employee provide documents or other certification verifying that the employee was a victim of domestic violence or sexual assault. The employer is also required, to the extent allowed by law, to maintain the confidentiality of an employee requesting such leave. In addition, employers with 25 or more employees may not discharge or discriminate or retaliate against an employee who is a victim of domestic violence or sexual assault for taking time off to seek medical attention, obtain services from a domestic violence shelter or program or rape crisis center, obtain psychological counseling, participate in safety planning, or relocate. An employee who is discriminated against or discharged for exercising his or her rights under this law may be entitled to reinstatement and reimbursement for lost wages and benefits. The provisions applying to larger employers do not create a right for employees to take unpaid leave that exceeds the amount of leave allowed under, or is in addition to leave permitted by, the federal FMLA (which permits up to 12 weeks of leave).

COLORADO: [Colo. Rev. Stat. § 24-34-402.7](#).

Employers who employ 50 or more employees must permit an employee of twelve months or more who is a victim of domestic abuse, sexual assault, stalking, or other domestic violence-related crimes to take up to three days of leave to seek a restraining order; obtain medical care or counseling; locate safe housing or make her home secure; or seek legal assistance and prepare for or attend court-related proceedings. Prior to taking this leave, the employee must exhaust annual, vacation, personal leave, and sick leave, unless the employer waives this requirement. The employee shall provide appropriate advance notice “except in cases of imminent danger to the health or safety of the employee” and may be required to provide documentation. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

CONNECTICUT: [Conn. Gen. Stat. § 54-85b](#).

An employer may not fire, penalize, or threaten an employee because the employee attended court or participated in a police investigation related to a criminal case in which the employee (or the employee’s minor child) is a victim, or because the employee has a restraining order issued on her or his behalf. An employer who violates this section is guilty of criminal contempt and subject to a fine or up to thirty days’ imprisonment. Additionally, an employee whose rights under this section are violated may bring a civil action against the employer for damages and reinstatement.

FLORIDA: [Ch. 2007-107](#) & [Ch. 2007-108](#), to be codified at [Fla. Stat. § 741.313](#).

Section 741.313 was created by [S.B. 188](#) & [H.B. 55](#), which were signed by Governor in June 2007 and **went into effect July 1, 2007**. Employees who work for employers with 50 or more employees may request and take up to 3 working days of leave in any 12 month period if the employee or family or household member of the employee is a victim of domestic violence. The leave may be used to: seek an injunction for protection against domestic violence, dating violence, or sexual violence; obtain medical care or mental health counseling for the employee or family/household member; obtain services from a victim-service organization; make the employee’s home secure from the perpetrator or seek new housing; or to seek legal assistance or to attend and prepare for court-related proceedings. The leave may be unpaid at the employer’s discretion. A private employer must keep all information relating to the leave confidential. [H.B. 63](#), which was signed by Governor in June 2007, and **went into effect July 1, 2007**, provides that personal identifying information contained in records documenting domestic violence, submitted to an agency by an employee of that agency in order to obtain leave, is to be confidential. The request for leave will remain exempt from disclosure until one year after the leave has been taken.

FLORIDA, Miami-Dade County: [Miami-Dade Cty., Fla. Code. § 11A-61](#) [*scroll down to Chapter 11A on the left-hand side, click the box to the left of the title to expand the menu, and click on Article VIII*].

This county law entitles domestic violence victims to up to 30 days of unpaid leave for medical or dental care, legal assistance, court appearances, counseling or supportive services, or any other arrangements needed because of domestic violence. This law includes leave to obtain orders of protection and for divorce, child custody and child support proceedings. The employee is required to exhaust all paid vacation and personal leave prior to taking leave under this provision. The employer may request certification from a health care provider, attorney of record, counselor, law enforcement agency, clergy, or domestic violence service provider that “the employee is being subjected to domestic or repeat violence and needs time off” for one of the permitted reasons. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

HAWAII: [Haw. Rev. Stat. § 378-72](#).

An employee may take unpaid leave for a “reasonable period of time”—up to 30 days per calendar year if the employer has 50 or more employees, and up to five days for smaller employers—if the employee or the employee’s minor child is a victim of domestic abuse, sexual assault, or stalking, provided the leave is to seek medical attention, obtain victim services, obtain counseling, temporarily or permanently relocate, or take legal action. When the leave is sought for medical attention, the employer may request a doctor’s certificate (including an estimate of the number of days of leave needed). When the leave is for non-medical reasons and is not more than five days, the employer may require a signed statement from the employee regarding the

violence and establishing that the leave is for one of the enumerated purposes. If non-medical leave exceeds five days, the employer may require (1) a signed written statement from “a victim services organization, from the employee’s attorney or advocate, from a minor child’s attorney or advocate, or a medical or other professional from whom the employee or the employee’s minor child has sought assistance related to the domestic or sexual violence; or (2) a police or court record related to the domestic or sexual violence.” The employee shall provide reasonable notice of intention to take leave unless “not practicable due to imminent danger.” The employee must exhaust all other paid and unpaid leave before these provisions apply. All information provided to the employer is confidential unless the employee consents or disclosure is required by law. The employer cannot discriminate against or take retaliatory action against an employee who exercises these rights.

ILLINOIS: [820 Ill. Comp. Stat. 180/1-180/45](#).

Leave provisions

An employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of such violence and is employed by a private employer with over 50 employees—or by a state or local government or school district—may take up to 12 weeks unpaid leave during any 12-month period to address the violence. This leave may be used to seek medical attention or counseling, obtain services from a victim services organization, participate in safety planning or relocation, or seek legal assistance. An employee may use paid leave that is otherwise available for time taken off pursuant to this provision. Unless impracticable, the employee shall provide 48-hour notice of the leave. The employer may require the employee to provide certification of the violence and that the leave is for an enumerated purpose. The certification requirement may be satisfied by the employee’s sworn statement and by documentation from a service provider who has assisted the employee or his or her family member in addressing the violence, by police or court records, or by other corroborating evidence. Upon return from leave, the employee shall be entitled to restoration to the original job or to an equivalent position. Employers cannot discriminate or retaliate against persons who exercise their rights under this law.

General discrimination / reasonable accommodation provisions

A covered employer may not fail to hire, fire, harass, otherwise discriminate, or retaliate against any individual because the individual is, or is perceived to be, a victim of domestic or sexual violence (defined as domestic violence, sexual assault, or stalking) or has a family or household member who is, or is perceived to be, a victim of domestic or sexual violence. Covered employers cannot take actions against an individual on the basis of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual. The employer must make reasonable accommodations related to the violence – such as a changed telephone number, transfer, modified schedule, or time off – unless such accommodation would pose an undue hardship to the employer. Employees who request an accommodation are protected from termination, retaliation, or other discriminatory actions, regardless of whether the request for the accommodation is granted. This law also provides that public agencies cannot deny or reduce benefits or otherwise sanction a victim of domestic or sexual violence for any of the reasons stated above.

Confidentiality / enforcement

Absent written consent by the employee or statutory requirements, all information provided to the employer pursuant to this section shall be held in the strictest confidence by the employer. An employee whose rights have been violated may bring an administrative complaint in the state Department of Labor.

KANSAS: K.S.A. [§§ 44-1131 & -1132](#).

An employer may not discharge or in any manner discriminate or retaliate against an employee who is the victim of domestic violence or a victim of sexual assault for taking time off from work to obtain or attempt to obtain judicial relief such as a restraining order; seek medical attention; obtain services from a domestic violence shelter, domestic violence program, or rape crisis center; or make court appearances in the aftermath of domestic violence or sexual assault. An employee shall give the employer reasonable advance notice of his or her intention to take time off, unless such advance notice is not feasible. Within 48 hours of returning from an absence for which prior notice was provided, the employee shall provide documentation

demonstrating that the time off was used for a covered purpose. When prior notice is not feasible, the employer may not take any action against the employee if the employee provides certain specified documentation (a police report, court order, or documentation from a medical professional, health care provider, counselor, domestic violence advocate or advocate for victims of sexual assault) within 48 hours after *the beginning* of the unscheduled absence. The employee's request for leave and supporting documentation shall be kept confidential to the extent allowed by law. Regardless of any collective bargaining agreement terms and conditions, an employee may use accrued paid leave for these purposes. If the employee does not have any paid leave available, the employee has a right to up to eight days per year of unpaid leave for these purposes.

MAINE: [26 Me. Rev. Stat. § 850.](#)

Employers must grant “reasonable and necessary” leave when an employee, or a child, parent or spouse of the employee, is a victim of domestic violence, stalking, sexual assault, violence, or assault. The leave may be used to prepare for and attend court proceedings, receive medical treatment, or obtain other necessary services to remedy a crisis caused by the violence. Employers are prohibited from sanctioning employees for exercising their rights under this section. There is a \$200 civil penalty for violation. The employer is not required to grant leave if the employer would sustain “undue hardship,” if the leave request was not made “within a reasonable time under the circumstances,” or if the “requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer.”

NEW YORK CITY: [N.Y.C. Admin. Code § 8-107.1](#) [*click on section 8-107.1*].

This provision in New York City's Human Rights Law prohibits an employer from refusing to hire, discharging, or discriminating against an individual because the individual is or is perceived to be a victim of domestic violence, sex offenses or stalking. Under this law, unlawful discrimination includes taking actions against a victim based solely on the acts of a person who has perpetrated acts or threats of violence against the victim. An employer is required to make reasonable accommodations for a victim to permit her or him to perform the “essential requisites” of the job, unless doing so would be an “undue hardship” for an employer. The legislative history of the law makes clear that the Council intended that reasonable accommodations under this provision could include providing victims with time off or a modified schedule. An employer required to make reasonable accommodations may ask the person requesting such accommodations to provide certification that he or she is a victim. This proof requirement may be satisfied by documentation from a victim services agency, attorney, clergy member, medical or other professional services provider; a police or court record; or “other corroborating evidence.” The request for accommodations and any documentation provided, including the fact of the domestic violence, must be kept confidential.

NEW YORK, WESTCHESTER COUNTY: [Westchester County Code §§ 700.02, 700.03.](#)

This provision in Westchester County's Human Rights Law prohibits employment discrimination (as well as housing discrimination and public accommodations discrimination) against victims of domestic violence, sexual assault, or stalking. It protects victims from being fired, refused employment, or otherwise discriminated against at work based on being a victim of such violence. It also requires employers to make “reasonable accommodations” to permit a victim to perform his or her job, including schedule modifications or security measures, unless doing so would impose an undue hardship on the employer. To claim protections under the law, an individual must provide the employer with documentation certifying that he or she is a victim of such violence. This requirement can be met by providing a police report; court order; or documentation from a medical professional, domestic violence advocate, clergy member, or counselor from whom the individual has sought assistance from in addressing the violence. Documentation must be kept in the “strictest confidence.” Documentation is not required if the employer perceives the individual to be a victim of domestic violence, sexual assault, or stalking.

NORTH CAROLINA: N.C. Gen. Stat. [§ 50B-5.5](#) & [§ 95-270\(a\)](#).

An employer is prohibited from discharging, demoting, disciplining, or denying a promotion to an employee who takes “reasonable time off” from work to obtain or attempt to obtain a protective order or other relief

under the state's domestic violence law. An employee who is absent to such seek relief must follow the employer's usual leave policy or practices; if the employer generally requires advance notice of absences, an employee must provide advance notice "unless an emergency prevents the employee from doing so." An employer may require the employee to provide documentation showing the reason for the employee's absence.

OREGON: [S.B. 946](#), 74th Leg. Assembl. (Or. 2007), **to be codified at Or. Rev. Stat. 659A.**

This new law allows an employee who is a victim of domestic violence, sexual assault, or stalking, or is the parent or guardian of a minor child or dependent who is a victim, to take reasonable, unpaid time off from work to deal with the violence. To be covered by the law, an employee must work for more than 25 hours a week for at least 180 days before taking leave, and work for an employer with six or more employees during 20 or more work weeks a year. The leave can be used to seek legal or law enforcement assistance or remedies, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault or stalking; to seek medical treatment for or to recover from injuries; to obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional; to obtain services from a victim services provider; or to relocate or take steps to secure an existing home. The employer is required to keep the information confidential. The employer may require certification, which can take the form of: a copy of a police report; a copy of a protective order or other evidence from a court or attorney that the eligible employee appeared in or was preparing for a civil or criminal proceeding; documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the eligible employee or the employee's minor child or dependent was undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, sexual assault or stalking. **The law was signed by the Governor in May 2007 and was effective as of May 25, 2007.**

RHODE ISLAND: [R.I. Gen. Laws § 12-28-10](#).

This law prohibits an employer from refusing to hire, discharging, or discriminating against an individual solely because the individual seeks or obtains a protective order or refuses to seek or obtain such an order. A court may award actual damages or order injunctive relief in a civil action alleging a violation of the statute.

Crime Victim Job Protection Laws

Many states have laws that prohibit employers from punishing an employee who is a victim of a crime for taking time off to attend court, at least under certain circumstances, such as responding to a subpoena, responding to a request from the prosecutor, or serving as a witness. In many states, the time off is either unpaid or the employer can require the employee to use accrued sick time, vacation time, or personal time. Some additional states have laws that specifically provide that the victim may ask for assistance in explaining to her employer that she needs to attend court ("employer intercession services"). Below is a list of the states that have such laws and some important features of the laws.

ALABAMA: [Ala. Code § 15-23-81](#) (allows victim to respond to subpoena to testify in criminal proceeding or participate in reasonable preparation for a criminal proceeding).

ALASKA: [Alaska Stat. § 12.61.017](#) (allows victim to respond to subpoena and to attend court proceedings to give testimony; leave is unpaid).

ARIZONA: [Ariz. Rev. Stat. § 13-4439](#) (an employer who has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year must allow an employee who is a victim of a crime to leave work to obtain an order of protection, an injunction against harassment, or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child)

& [Ariz. Rev. Stat. § 8-420](#) (specifically for juvenile offenses) (leave may be unpaid or employer may require victim to use accrued paid leave; exception for undue hardship to employer). Section 13-4439 was amended by H.B. 2756, **signed by the Governor on May 11, 2007**.

ARKANSAS: [Ark. Code Ann. § 16-90-1105](#) [*enter “16-90-1105” in the search box and click on search button*] (prohibits employers from discharging an employee who is absent from work because of attendance at a criminal justice proceeding, if it is reasonably necessary to protect the victim’s interests, or because of participation in preparation for a prosecution, at the prosecutor’s request).

COLORADO: [Colo. Rev. Stat. § 24-4.1-303\(8\)](#) (allows victim to respond to a subpoena or participate in trial preparation).

CONNECTICUT: [Conn. Gen. Stat. § 54-85b](#) [*scroll down and click on § 54-85b*] (allows employee to attend court or participate in police investigation for crime against employee or employee’s minor child) and [Conn. Gen. Stat. § 54-85d](#) [*scroll down and click on § 54-85d*] (giving similar protection to a family member or designee of a homicide victim).

DELAWARE: [Del. Code Ann. tit. 11 § 9409](#) (allows victim or representative of a victim to respond to a subpoena, participate in trial preparation, or attend trial proceedings as reasonably necessary to protect the victim’s interests).

FLORIDA: [Fla. Stat. § 92.57](#) (allows victim to respond to a subpoena only).

GEORGIA: [Ga. Code Ann. § 34-1-3](#) [*scroll down to Title 34 and click open; click open Chapter 1; click open 34-1-3*] (allows victim to respond to court order such as a subpoena or jury duty; employer may require “reasonable notification” by the employee).

HAWAII: [Haw. Rev. Stat. § 621-10.5](#) (allows victim to respond to subpoena, testify, attend court as a prospective witness; allows reasonable attorneys fees if an employee sues for violation of this law and prevails).

INDIANA: [Ind. Code § 35-44-3-11.1](#) (allows victim to respond to a subpoena only).

IOWA: [Iowa Code § 915.23](#) (allows victim to serve as witness in criminal case; allows reasonable attorney’s fees and court costs if an employee sues for violation of this law and prevails).

MARYLAND: [Md. Code Ann. Crim. Proc. § 11-102](#) & [Md. Code Ann. Cts. & Jud. Proc. § 9-205](#) (allows victim to respond to a subpoena or attend proceedings the employee has a right to attend, as defined by Maryland law; a victim and a victim’s representative have the right to attend any proceeding in which the right to appear has been granted to a defendant).

MASSACHUSETTS: [Mass Gen. Laws Ch. 258B, § 3\(f\)](#) & [Mass Gen. Laws ch. 268, § 14B](#) (allows time off to respond to subpoena).

MICHIGAN: [Mich. Comp. Laws § 780.762](#) & [Mich. Comp. Laws § 780.790](#) (allows victim time off to give testimony in court in response to a subpoena or request from the prosecuting attorney).

MINNESOTA: [Minn. Stat. Ann. § 611A.036](#), as amended by [Minnesota Session Laws 2007, Chapter 54, Art. 4, § 5](#) (previously [S.F. 927 /H.F. 1033](#), 85th Leg., 1st Reg. Sess. (Minn. 2007)) (allows a victim or witness who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony reasonable time off from work to attend criminal proceedings related to the victim’s case; the amended provision, § 2, also requires the employer to allow a victim’s spouse or immediate family member reasonable time off from work to attend criminal proceedings related to the victim’s case, and changes the

reference from “heinous crime” to “violent crime”). **The amended provision was effective as of July 1, 2007.**

MISSISSIPPI: [Miss. Code Ann. § 99-43-45](#) [*click open Mississippi Code; click open Title 99, Criminal Procedure; click on Chapter 43; scroll down to and click on 99-43-45*] (allows victim to respond to subpoena or participate in reasonable preparation for court proceedings).

MISSOURI: [Mo. Rev. Stat. § 595.209\(1\)\(14\)](#) (allows a witness, victim, or victim’s immediate family to respond to a subpoena or to participate in preparation for a criminal proceeding).

MONTANA: [Mont. Code Ann. § 46-24-205\(3\)](#) (allows victim or a member of the victim’s family to participate in preparation for or attendance at a criminal justice proceeding; also provides for employer intercession services).

NEVADA: [Nev. Rev. Stat. § 50.070](#) [*scroll down and click on § 50.070*] (allows witness or person summoned to appear as a witness to testify; allows reasonable attorneys fees if an employee sues for violation of this law and prevails).

NEW HAMPSHIRE: [N.H. Rev. Stat. Ann. § 275.62](#) (entitles employees to leave work to attend court, legal, or investigative proceedings associated with the prosecution of the crime).

NEW YORK: [N.Y. Penal Law § 215.14](#) [*scroll down and click on PEN; click on Article 215; click on § 215.14*] (allows time off on prior-day notice for a victim to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection).

NORTH DAKOTA: [N.D. Cent. Code § 27-09.1-17](#) (makes it a misdemeanor offense for employers to penalize employees who serve as a witness or a juror, and provides a civil remedy for employees who are wrongfully terminated for serving as a witness or juror, including up to six weeks of lost wages and attorney’s fees).

OHIO: [Ohio Rev. Code Ann. § 2930.18](#) (allows victim, victim’s family, and/or victim’s representative to respond to a subpoena or prosecutor’s request and participate in a criminal or delinquency proceeding, but does not obligate an employer to pay wages for this leave) & [Ohio Rev. Code Ann. § 2151.211](#) (prohibits employer from discharging or terminating from employment or otherwise punishing or penalizing any employee because of time lost from regular employment as a result of the employee's attendance at any juvenile court proceeding pursuant to a subpoena).

PENNSYLVANIA: [18 Pa. Code § 4957](#) (allows employee to testify as witness or victim of a crime; such leave is unpaid).

RHODE ISLAND: [R.I. Gen. Laws § 12-28-10](#) (specific to employment protection for victims who seek protective orders) & [R.I. Gen. Laws § 12-28-13](#) (employment protection for victims of crimes to attend court proceedings).

SOUTH CAROLINA: [S.C. Code Ann. § 16-3-1550](#) (protects a victim or a witness from adverse job consequences for lawfully responding to subpoena).

TENNESSEE: [Tenn. Code Ann. § 4-4-122](#) [*click open Tennessee Code; click open Title 4; click open Chapter 4; click open 4-4-122*] (only applies to state agencies as employers; employers are barred from taking any adverse employment action against an employee who takes any lawful action to cause or assist in causing the arrest, prosecution and conviction of the perpetrator of an offense against that employee).

UTAH: [Utah Code § 78-11-26](#) (allows employee to respond to a subpoena; creates a civil remedy to include up to six weeks of lost wages and reasonable attorney's fees for a violation).

VERMONT: [13 Vt. Stat. Ann. § 5313](#) (allows victim, victim's family member, or victim's representative to respond to a subpoena without job consequences).

VIRGIN ISLANDS: [34 V.I.C. § 203\(e\)](#) [*click open Virgin Islands Code; click open Title 34, Welfare; click open Chapter 8; click open section 203*] (allows victim or witness to respond to subpoena without fear of retaliation or loss of wages from employer).

VIRGINIA: [Va. Code Ann. § 18.2-465.1](#) (allows employee to respond to summons or subpoena and attend future proceedings as required by court in writing; allows employee to serve on a jury) & [Va. Code Ann. § 40.1-28.7:2](#) (**amends the existing crime victim rights law**, Va. Code Ann. § 19.2-11.01, and **adds a new section**, Va. Code Ann. § 40.1-28.7:2, requiring every employer to allow an employee who is a victim of crime to take unpaid leave to be present at all criminal proceedings relating to a crime against that employee. The employer may limit the leave if it creates an undue hardship for the employer).

WISCONSIN: [Wis. Stat. § 103.87](#) [*scroll down and click on 103.87*] (prevents an employer from discharging or docking the pay of any employee who misses work to respond to a subpoena; employee must notify employer of need to miss work to testify on or before the first business day after receipt of the subpoena).

WYOMING: [Wyo. Stat. Ann. §§ 1-40-209\(a\)-\(c\)](#) [*scroll down to 1-40-209*] (allows victim or witness to respond to a subpoena; allows employee to request employer intercession services from law enforcement agencies).

Additional states have laws that encourage employers not to take adverse actions against victims for missing work to testify or provide that the victim may ask for assistance in explaining to her employer that she needs to attend court ("employer intercession services"). These laws are suggestive, rather than mandatory.

COLORADO: [Colo. Rev. Stat. 24-4.1-302.5\(n\)](#)

FLORIDA: [Fla. Stat. Ann. § 960.001\(i\)](#)

ILLINOIS: [725 Ill. Comp. Stat. 120/5\(a\)\(2\)](#)

KENTUCKY: [Ky. Rev. Stat. Ann. § 421.500\(8\)](#)

LOUISIANA: [La. Rev. Stat. Ann. § 46:1844\(E\)](#)

NEBRASKA: [Neb. Rev. Stat. § 81-1848\(2\)\(h\)](#)

NEVADA: [Nev. Rev. Stat. § 178.5694\(1\)](#) [*scroll down and click on § 178.5694(1)*]

NEW JERSEY: [N.J. Stat. Ann. § 52:4B-44\(b\)\(13\)](#) [*scroll down and click on "52:4b-44"*]

NEW MEXICO: [N.M. Stat. Ann. § 31-26-4\(j\)](#) [*click on New Mexico Statutes and Court Rules; click on Statutory Chapters in New Mexico Statutes; click on Chapter 31; click on Article 26; click on 31-26-4*] & [N.M. Const. Art. II, Sec. 24\(A\)\(1\)](#) [*scroll down and click on New Mexico Statutes and Court Rules; click on New Mexico Constitution; click on Art. II; click on sec. 24*] (for victims of specific crimes only)

NORTH CAROLINA: [N.C. Gen. Stat. § 15A-825\(4\)](#)

NORTH DAKOTA: [N.D. Cent. Code § 12.1-34-02\(6\)](#)

OKLAHOMA: [19 Okla. Stat. § 215.33\(8\)](#)

RHODE ISLAND: [R.I. Gen. Laws § 12-28-3\(a\)\(7\)](#)

TEXAS: [Tex. Code Crim. Proc. Art. 56.02\(a\)\(10\)](#)

UTAH: [Utah Code Ann. § 77-37-3\(1\)\(g\)](#)

VIRGINIA: [Va. Code Ann. § 19.2-11.01\(A\)\(3\)\(a\)](#)

WASHINGTON: [Wash. Rev. Code § 7.69.030\(8\)](#)

WEST VIRGINIA: [W. Va. Code § 61-11A-6\(a\)\(8\)](#)

WISCONSIN: [Wis. Stat. § 950.04\(1v\)\(bm\)](#)

RECENT LEGISLATIVE PROPOSALS

The following legislation has been introduced in current or prior legislative sessions. The contents of the bills vary and the status of a particular bill may change very quickly. For more information about each bill, you may contact Legal Momentum, the legislative information service at your state or local legislature, or consult your legislature's web page.

Domestic and Sexual Violence Employment Rights Bills

FEDERAL: [H.R. 2395](#) (May 2007) & [S. 1136](#) (April 2007).

H.R. 2395, the Security and Financial Empowerment (SAFE) Act, would provide victims of domestic violence with up to 30 days emergency unpaid leave to obtain orders of protection; seek medical, legal, or counseling assistance; or find safe housing. It would also explicitly require that any victims who must leave the workplace as a result of domestic violence are eligible for unemployment insurance. The bill would require reasonable accommodations for violence-related needs and would protect actual or perceived victims of domestic violence from employment and insurance discrimination. For violations of this statute, a prevailing plaintiff will have access to reasonable expert witness and attorney's fees. As of July 2007, H.R. 2395 was in the House Committees on Education and Labor, Ways and Means, and Financial Services. S. 1136, the Survivors Empowerment and Economic Security (SEES) Act, provides similar protections. The Senate Committee on Health, Education, Labor and Pensions held a hearing on S. 1136 in April 2007. As of July 2007, it was in the Senate Finance Committee. In 2005, a previous version of SAFE was introduced as H.R.3185 and S.1796, but failed to pass. In 2001, a similar bill called the Victims Economic Security and Safety Act (VESSA) was introduced as H.R. 2670 and S.1249 but was not passed.

CALIFORNIA: [S.B. 1745](#), 2005-2006 Reg. Sess. (Ca. 2006).

This bill was intended to complement California's existing law (discussed above), which prohibits discrimination against employees who take leave to address domestic violence. As introduced, the bill added status as a victim of domestic violence, sexual assault, or stalking to the list of groups protected by the California Fair Employment and Housing Act, Cal. Gov. Code § 12926. By the time the bill was passed by the Senate and Assembly in August 2006, it had been [amended](#) to eliminate any reference to housing and became a bill that would make it against the public policy of California for an employer to discriminate against a victim of domestic violence, sexual assault, and stalking. The bill was [vetoed](#) by the Governor on September 30, 2006.

CONNECTICUT: [S.B. 601](#), 2007 Leg. Sess. (Ct. 2007).

This bill would require employers with 25 or more employees to provide paid sick leave to its employees, accruing from the time of the person's employment at one hour of paid sick leave for every 40 hours worked. The bill would allow victims of family violence, sexual assault or stalking to use paid sick leave for medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to such family violence, sexual assault or stalking; or to participate in any civil or criminal proceedings related to or resulting from such family violence, sexual assault or stalking. For paid sick leave of three or more consecutive days, an employer may require reasonable documentation that such leave is being taken for the purposes permitted. The Senate passed the bill as amended in May 2007, but no action was taken by the House.

DISTRICT OF COLUMBIA: [B17-197](#) (D.C. City Council 2007).

This bill would require employers with six or more employees to provide paid sick and safe days to its employees. Accrual of time begins with employment, and the employee would earn one hour of paid sick and safe time for every 26 hours worked, and up to a maximum of 10 days per year. Employers with less than six employees shall provide one hour of paid leave for every 53 hours worked, up to five days per year. The employee must work 60 days before she/he can access the time. An employee can use the time when a family member is sick or needs routine or preventative medical care; when the employee or her/his family

member is a victim of domestic or sexual violence or stalking to seek medical attention, obtain services from a victim services organization, obtain psychological or other counseling, temporarily or permanently relocate; or take legal action, including preparing for or participating in any civil or criminal proceeding related to resulting from the violence. The D.C. City Council held a hearing on the bill on July 9, 2007, and the bill was still pending before the Council in August 2007.

FLORIDA: [S.B. 2192](#) & [H.B. 763](#), 109th Reg. Sess. (Fla. 2007).

These bills, which are very similar, would provide one hour of paid sick leave for every 40 hours worked by an employee of a company employing more than 10 persons; employees working for “small employers” (those with less than 10 employees) would be entitled to one hour of paid sick leave for every 80 hours worked. The sick leave accrues at the commencement of employment and can be used beginning on the 90th day following commencement of employment. Paid sick leave can be used by victims of domestic violence to seek medical attention for themselves or a family member; to obtain assistance from a victim services provider; to obtain counseling; to seek relocation; or to take legal action. For leave of more than three consecutive days, the employer may request documentation such as a court record, statement by victim services provider, an attorney, police officer or other anti-violence counselor. Employers may not retaliate or discriminate against employees for requesting or taking sick leave. Remedies for failure to provide sick leave and for retaliation include a civil action. S.B. 2192 died in the Committee on Commerce in May 2007, and H.B. 763 died in the Committee on Business Regulation in May 2007.

HAWAII: [S.B. 2438](#) & [H.B. 2123](#), 21st Leg. (Haw. 2002).

These bills would have prohibited employers from discriminating against any individual because (a) the individual or a family or household member is a victim of domestic violence, sexual assault, or stalking; (b) the individual required leave from work due to domestic violence, sexual assault, or stalking; or (c) the workplace was threatened or disrupted by someone who has committed or threatened domestic violence, sexual assault, or stalking against the individual, provided that the employer may request that the individual prove she has taken appropriate actions to lessen the threat of future violence and possibility of harm to others in the workplace, including reporting to law enforcement or seeking a restraining order. The House and Senate passed different versions of the bill and were unable to resolve the differences in conference. (Although this legislation did not pass, Hawaii passed separate legislation, described above, in 2003 that provides victims of domestic violence, sexual assault, or stalking time off from work).

ILLINOIS: [H.B. 3518](#) ([as amended](#)), 95th Leg. Sess. (Ill. 2007).

This bill would amend the Illinois Human Rights Act to add “order of protection status” (covering a person protected or previously protected under an order of protection issued under Illinois’ Domestic Violence Act) to the list of statuses protected from discrimination in employment, real estate transactions, access to financial credit, or the availability of public accommodations. The House Committee on Judiciary failed to vote the amended bill out in March 2007.

INDIANA: [H.B. 1032](#), 115th Gen. Assembl., 1st Reg. Sess. (Ind. 2007).

This bill provides that an individual may take unpaid leave from employment to file a petition for an order for protection or, after receiving notice of a hearing, to attend the hearing. The employer may require the individual to furnish proof from the court or the clerk of the court that the individual was absent from employment to obtain an order of protection. An employer that dismisses an employee, deprives the employee of employment benefits, or threatens a dismissal or deprivation of benefits because the employee filed a petition for an order for protection, received notification of the hearing on the petition, or attended the hearing commits a Class B misdemeanor. The bill died in committee. A similar bill was previously introduced in 2006 as [H.B. 1200](#), and died in committee.

KENTUCKY: [H.B. 171](#), 2003 Reg. Sess. (Ky. 2003).

This bill provided that an employer is prohibited from discharging, or discriminating or retaliating against, an employee who is a victim of domestic violence and abuse, stalking, or sexual assault for taking time off to obtain or attempt to obtain judicial relief addressing the violence. In addition, employers with 25 or more

employees may not discharge, or in any manner discriminate or retaliate against, an employee who is a victim for taking time off from work to seek medical attention; obtain services from a domestic violence shelter, program, or rape crisis center; obtain psychological counseling; participate in safety planning; or relocate. This bill passed the House, but died in the Senate.

LOUISIANA: [H.B. 242](#), 2004 Reg. Sess. (La. 2004).

This bill would have provided that an employee who is a victim of domestic or sexual violence or has a family or household member who is a victim of such violence and is employed by a private employer with over 50 employees—or by a state or local government or school district—may take up to six weeks unpaid leave during any 12-month period to address the violence. It also would have prohibited employers from discriminating against victims or taking actions against an individual on the basis of disruptions or threatened disruptions of the workplace by someone who has committed or threatened domestic or sexual violence against the individual. This bill also provided that public agencies cannot deny or reduce benefits or otherwise sanction a victim of domestic or sexual violence for any of the reasons stated above. The bill died in committee.

MASSACHUSETTS: [S.B. 1057](#), 185th General Court, 2007 Reg. Sess. (Mass. 2007).

The bill permits an employee who is, or has a family member who is, a victim of domestic violence, sexual assault, or stalking to take up to 15 days of paid or unpaid leave from work in a 12-month period to seek or obtain a court order of protection, medical attention, counseling, victim services, legal assistance, secure housing, or to appear in court as a witness, attend child custody proceedings, or consult with a district attorney or other law enforcement official, or other issues directly related to the violence. The law applies to businesses with 50 or more employees. Employers can require employees to provide certification of the violence; this requirement can be satisfied by providing a restraining order or other court relief; a police record; documentation that the perpetrator has been convicted of the violence; medical documentation; the statement of a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocated or other professional; or a sworn statement from the employee. The employer would be required to keep all information related to the leave confidential. The bill was not passed. A similar bill was introduced in 2006 as [S.B. 2338](#) (later amended and substituted by [S.B. 2684](#)).

MINNESOTA: [S.F. 1324](#) & [H.F. 1334](#), 85th Leg. Sess. (Minn. 2007).

These bills would require employers with ten or more employees to provide a minimum of one hour of paid sick leave for every 40 hours worked by an employee, up to 52 hours of sick leave a year. Small employers (those who employ less than ten persons) shall provide a minimum of one hour of paid sick leave for every 80 hours worked by an employee, up to 26 hours of sick leave per year. The sick leave accrues at the commencement of employment and can be used beginning on the 90th day following commencement of employment. Paid sick leave may be used by victims of domestic violence to seek medical attention for themselves or a family member; to obtain services from a victim services provider; to obtain counseling; or to seek relocation. For leave of more than three consecutive days, the employer may request documentation, including a court record or a statement signed by a victim services provider, attorney, police officer, or other anti-violence counselor. The employer may not retaliate or discriminate against an employee for requesting or taking paid sick leave. Various provisions for enforcement include a civil action. The bills died in the House and Senate. A similar bill from the 2005 session, [S.F. 1438/H.F. 443](#), was passed by the Senate but died in the House.

MISSISSIPPI: [H.B. 1426](#), 2006 Reg. Sess. (Miss. 2006).

This bill required employers to grant “reasonable and necessary” leave, with or without pay, to victims of domestic violence, sexual assault, or stalking in order for the victim to prepare for and attend court proceedings, receive medical treatment, or obtain necessary services to remedy a crisis resulting from the violence. The employer has the discretion to deny the leave request if the employer would sustain undue hardship from the victim’s absence or the requested leave is impractical, unreasonable, or unnecessary based

on the facts made known to the employer. The bill died in committee. This bill was very similar to [HB 953](#), introduced in 2005, and [H.B. 739](#), introduced in 2002.

NEW JERSEY: [A.B. 434](#) & [S.B. 1194](#), 212th Leg. (N.J. 2006).

These bills would prohibit employers from discriminating or retaliating against an employee who is the victim of domestic violence or of a sexually violent offense, or who has a family member who is, for taking a leave of up to 20 days in any 12-month period as needed for the purpose of: seeking medical attention, obtaining victim services or psychological or other counseling, or participation in safety planning or temporary or permanent relocation. Leave may also be used to seek legal assistance, including attending, participating in, preparing for, or requesting leave to attend, participate in, or prepare for, a criminal or civil court proceeding relating to an incident of domestic or sexual violence to the employee or the employee's family or household member. The employer may require the employee to exhaust accrued paid leave provided by the employer or leave provided under the state or federal family and medical leave acts before using this leave. The employer may require documentation of the domestic violence or sexual offense; this requirement may be satisfied by a restraining order; police record; record of that the perpetrator of the violence has been convicted of a domestic or sexual violence offense; medical documentation; or documentation from a relevant professional. Employers would be required to post notice of the rights under the law. The bills died in both houses. These bills are similar to [A.B. 3837](#) and [S.B. 2364](#), introduced in 2005.

NEW YORK STATE: [A.1222](#) & [S.3052](#) (anti-discrimination); [A.5367](#) & [S.4178](#) (leave), 229th Leg. Sess. (N.Y. 2007).

A.1222 and S.3052, which contain different definitions of “domestic violence,” would prohibit employers from discriminating against victims of domestic violence and stalking, or perceived victims, in hiring, firing, compensation, terms, conditions, or privileges of employment. A.5367/S.4178 would permit victims of domestic violence, sexual offenses, and stalking to take an unpaid leave of absence from employment for up to 90 days in a 12-month period to address ongoing effects of domestic violence, such as seeking medical attention, attending counseling, seeking legal assistance, seeking support services, or for safety planning. The individual could be required to submit certification of the violence, such as the individual’s sworn statement, evidence from a professional who assisted the individual, a court proceeding, medical records, or other corroborating evidence. The Assembly passed A.1222, and the Senate passed S.3052, but they were unable to reconcile the differences in the bills and they died. A.5367/S. 4178 died in committee. In the 2006 session, the Senate passed a version of the anti-discrimination bill (S.2271B), while the Assembly failed to do so (A.4611C); and the leave bill (A.4776/S.3761) died in committee in both houses.

OKLAHOMA: [S.B. 459](#) & [H.B. 1866](#), 51st Leg., 1st Reg. Sess. (Okla. 2007).

This bill would create the Victims Economic Security and Safety Act. It would require employers with at least 50 employees to allow employees who are, or have family members who are, victims of domestic violence, sexual assault, and stalking up to 12 weeks of unpaid leave from work for medical attention, support services, counseling, safety planning, and legal assistance. The employer can require certification of the violence and/or the need for leave, in the form of the employee’s sworn statement plus additional documents such as a police or court record; a sworn statement from a victim services provider, an attorney, member of the clergy or medical or other professional; or other corroborating evidence. This bill would also prohibit covered employers from discharging, harassing, failing to hire, or otherwise discriminating or retaliating against an individual with regard to employment for any of the following reasons: the individual is or is perceived to be a victim of domestic violence, sexual assault, or stalking; the victim participated in a civil or criminal court proceeding relate to the violence; the victim requested a workplace accommodation; or the workplace is disrupted or threatened by an individual who has committed or threatened to commit domestic or sexual violence against the employee or a member of the employee’s family or household. The bills were not passed by either house. A similar bill introduced in the previous session, [H.B. 1226](#), was not passed. This bill is also similar to H.B. 2576, which died in the House in January 2006, and to H.B. 1699 and S.B. 935, which were introduced in 2005 but never passed.

PENNSYLVANIA: [H.B. 89](#) & [S.B. 441](#), 190th Gen. Assemb. (Pa. 2007).

These bills would create the Victims of Domestic Violence Employment Leave Act. They would require employers with more than 50 employees (including state agencies) to provide up to 30 days of unpaid leave during any 12-month period for any employee who has been employed for at least 12 months and with 1250 hours of service. The Senate bill would allow the leave to be used to secure medical treatment, to attend legal proceedings, or to relocate. The House bill also would allow employees to use the leave to obtain counseling or advocacy services, or to assist their minor child who is the victim of domestic violence for any of those reasons. An employer can require the employee to provide certification of the domestic violence and the need for leave. The Senate bill would allow the employee to satisfy this requirement by showing: a police report, a court order, or documentation from a medical professional or counselor. The House bill would also allow a signed statement from a medical professional, therapist, clergy member, counselor or advocate indicating that the employee or minor child is undergoing counseling for injuries resulting from domestic violence; a signed statement from a victim and witness advocate or court personnel affirming that the employee or their minor child is involved in legal proceedings related to domestic violence; or a signed statement from a police officer, victim advocate or other court personnel, medical professional therapist, clergy member, counselor or domestic violence advocate that the employee or their minor child has safety concerns that warrant absence from work. An employee who has paid or unpaid leave, such as family, medical, sick, or vacation leave, may choose to substitute a period of such leave for the 30 days of unpaid leave. Both bills failed to be passed. These bills are similar to two bills from the previous session, [H.B. 24](#) and [S.B. 424](#), which were not passed; and H.B. 375 and S.B. 235, which were introduced in 2003 (H.B. 375 was passed by the House in 2004).

TENNESSEE: [H.B. 713](#), [H.B. 315](#) & [H.B. 385](#), 102d Gen. Assemb. (Tenn. 2001).

H.B. 713 would have permitted an employee to be absent for up to four months to address domestic violence if it is impacting the employee's ability to perform the functions of her position or to care for a child or parent of the employee who is addressing domestic violence. H.B. 315, which would have also covered victims of sexual assault or stalking, would have permitted employees to take "reasonable and necessary leave from work" for court proceedings, medical treatment, or support services, unless such leave were "impractical, unreasonable or unnecessary" based on the facts made known to the employer. H.B. 385 would have prohibited employers from failing to hire, discharging, or discriminating against any individual the individual was a victim, requested a reasonable accommodation, or because the workplace was disrupted by the perpetrator of violence against the victim.

TEXAS: [H.B. 2059](#), 80th Leg. (Tex. 2007).

This bill would require employers to provide 30 days of unpaid leave in a 12-month period to an employee who is a victim of domestic violence or whose family or household member is a victim of domestic violence. The leave may be used to seek medical attention; to obtain services from a victim services organization; to obtain psychological or other counseling; to participate in safety planning or relocation; or to seek legal assistance. An employer may request documentation of the violence and the purpose of the leave in the form of: a sworn statement by the employee and a medical report; a police or court record; or a sworn statement by a family violence program staff person. An employee may elect to use existing vacation, personal, sick or compensatory leave for their time off. An employer may not retaliate or discriminate against an employee who uses leave as provided by the law. A hearing was held on the bill on March 21, 2007. The bill died in the House.

TEXAS: [S.B. 641](#), 80th Leg. (Tex. 2007).

This bill would require businesses with 50 or more employees to provide employees with three or more months of service with up to five days of leave in any 12-month period if the employee or a member of the employee's family or household is a victim of domestic violence. The leave may be paid or unpaid at the employer's discretion. The leave may be used to obtaining a protective order or other order; to obtain medical care or mental health counseling; to obtain services from a victim services organization; to make the employee's home secure or to relocate; or to seek legal assistance. An employee seeking this leave must first

exhaust all vacation, person and sick leave, unless waived by the employer. An employer may not retaliate or discriminate against an employee for exercising rights under the law. The sole remedy for violation of the law is a civil suit. The bill died in the Senate.

WASHINGTON: [S.B. 5900](#), 60th Leg., 2007 Reg. Sess. (Wash. 2007).

This bill would require employers to permit an employee who is a victim of domestic violence, sexual assault, or stalking, or whose family member is a victim, to take “reasonable leave” from work, with or without pay. The leave may be used to seek legal or law enforcement assistance or remedies; to seek treatment by a health care provider; to obtain services from a domestic violence shelter, rape crises center, or other service provider; to obtain mental health counseling; or to participate in safety planning. The employer may request documentation to verify the need for leave if advance notice is not provided, in the form of: a police report; court order; documentation from a victim services advocate, attorney, member of the clergy, medical or other professional; or the employee’s written statement. The employee may use her available paid vacation, personal, or sick leave. An employer may not retaliate or discriminate against an employee because the employee took leave. A hearing was held in February 2007. The bill was not passed. A different leave bill, [S.B. 5329](#), was introduced in 2001 and passed by the Senate.

Crime Victim Job Protection Bills

ALASKA: [H.B. 391](#), 23rd Leg., 2d Sess. (Alaska 2003) (would broaden Alaska’s existing victim leave statute, [Alaska Stat. § 12.61.017](#), to provide leave for any proceeding where the victim has a right to be present). H.B. 391 died in committee.

ARIZONA: [S.B. 1183](#), 48th Leg., 1st Reg. Sess. (Ariz. 2007) (would broaden Arizona’s existing crime victim leave statute to allow a crime victim to leave work to obtain or attempt to obtain a protective order or other injunctive relief to ensure the safety of the victim or the victim’s child). The bill was passed by the Senate and the House, but the Governor vetoed the bill in May 2007.

DELAWARE: [H.B. 276](#), 141st Gen. Assemb. (Del. 2001) (would allow eligible employees who are victims of violent crime up to 30 days leave for medical treatment, legal proceedings, relocating, or therapy). H.B. 276 died in the House in 2001.

GEORGIA: [H.B. 52](#), 149th Gen. Assemb. (Ga. 2005) (would amend Chapter 1 of Title 34, the section of the Georgia Code dealing with general labor issues, to allow an employee who is a victim of a crime to be absent from employment to attend judicial proceedings when such presence is not required by subpoena, summons, or other court order). This bill died in the House.

INDIANA: [H.B. 1175](#), 115th Gen. Assemb., 1st Reg. Sess. (Ind. 2007) (would require employers with 50 or more employees to allow employees who are crime victims to take unpaid leave from work to be present at a court proceeding, seek an order of protection, attend a hearing, and confer with a prosecutor’s office, unless the absence would cause significant difficulty or expense to the employer). The bill was passed by the House but died in the Senate. A similar bill in the previous session, [H.B. 1185](#), was not passed.

INDIANA: [S.B. 44](#), 115th Gen. Assemb., 1st Reg. Sess. (Ind. 2007) (would allow employee who works for an employer with 50 or more employees who is a victim of crime to leave work to: exercise the employee’s rights as a victim to be present and heard at court proceedings; file a petition for an order of protection; attend a hearing on a petition on an ex parte order of protection; or confer with the prosecutor). The bill was passed by the Senate, but a House [conference committee removed](#) the crime victim job protection provisions. Accordingly, [the version signed by the Governor](#) did not include the piece granting employment leave for crime victims.

IOWA: [H.F. 179](#), 81st Gen. Assemb. (Iowa 2005) (would require employers to grant leaves of absence, without pay, for crime victims to attend court proceedings). This legislation died in committee.

KENTUCKY: [H.B. 69](#), 2005 Reg. Sess. (Ky. 2005) (would prohibit employers of victims or witnesses from retaliating against or discharging the victims or witnesses based on absence related to investigation or cooperation in the prosecution of the case). This legislation died in committee in 2005.

NEW MEXICO: [H.B. 193](#), 48th Leg., 1st Sess. 2007 (N.M. 2007) (would require employers with more than four employees to provide paid or unpaid leave to employees who are crime victims to attend any judicial proceeding that relates to a crime committed against the victim). The bill was passed by the House but died in the Senate. A similar bill introduced in 2005, [H.B. 356/578](#), was passed by the House but not the Senate.

OKLAHOMA: [H.B. 1866](#), 51st Leg., 1st Reg. Sess. (Okla. 2007) (would require employers with 100 or more employees to allow employees who are victims of crime to take up to 12 weeks of unpaid leave during a 12-month period. The employer can request certification, in the form of: a sworn statement of the employee plus documentation from an attorney; a police or court record; or other corroborating evidence. The employee may elect to substitute existing leave for the crime victim leave). The bill died in the House.

SOUTH CAROLINA: [H.B. 4651](#), 115th Sess. (S.C. 2004) (would require the State to grant paid leave for a state employee who was a victim of a violent crime or whose immediate family member was a victim of a violent crime to attend the court proceedings related to that crime). This bill passed the House, but died in the Senate in 2004.

TEXAS: [H.B. 1750](#), 79th Leg. (Tex. 2005) (would allow eligible employees who are crime victims unpaid time off to attend to a legal or investigative proceeding associated with the prosecution of the crime, or a counseling session conducted by a certified psychiatrist, psychologist, pastoral psychologist, clinical social worker, or clinical mental health counselor). The bill died in committee.

WISCONSIN: [A.B. 269](#), 96th Leg. (Wisc. 2003) (would allow an employee who is the victim of a crime leave to attend proceedings related to the crime that the victim “has a right to attend” and up to 12 hours counseling). The bill died in the Assembly.

This state law guide, with links to cited laws and bills, is available on the Legal Momentum web site at <http://legalmomentum.org/legalmomentum/files/employmentrightsguide.pdf>.

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