

By: Senator(s) Brown

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2473

1 AN ACT TO CREATE THE "PROHIBITION AGAINST EMPLOYER
 2 INTIMIDATION ACT"; TO PROVIDE THAT NO PERSON, ORGANIZATION,
 3 CORPORATION, UNION, AGENCY OR OTHER ENTITY THEREOF MAY DAMAGE,
 4 HARM, INJURE OR THREATEN TO INJURE OR COERCE A BUSINESS, OR ANY
 5 EMPLOYEE OR REPRESENTATIVE OF THE BUSINESS WITH THE INTENT TO
 6 UNLAWFULLY INTIMIDATE THE BUSINESS OR ITS EMPLOYEES; TO PROVIDE
 7 THAT NO PERSON, ORGANIZATION, CORPORATION, UNION, AGENCY OR OTHER
 8 ENTITY THEREOF MAY CONSPIRE WITH ANOTHER, FOR THE PURPOSE OF
 9 DISRUPTING LAWFUL COMMERCE IN PLACES OF BUSINESS; TO PROVIDE THAT
 10 NO PERSON, ORGANIZATION, CORPORATION, UNION, AGENCY OR OTHER
 11 ENTITY SHALL INTENTIONALLY OR RECKLESSLY DAMAGE BUSINESS PROPERTY
 12 OF ANOTHER IN ANY MANNER; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** This act shall be known and cited as the
 15 "Prohibition Against Employer Intimidation Act."

16 **SECTION 2.** The State of Mississippi is a right to work state
 17 and the state's right to work laws are founded on the basic
 18 principle that every individual has an inherent right to choose if
 19 they want to join a union or an employee organization, and this
 20 right to choose should not impact their employment. The State of
 21 Mississippi recognizes the importance and necessity of fostering
 22 economic development and job creation. Intimidation and coercion
 23 against any business, can make the state an unwelcoming and



24 dangerous place for new business and job growth. Intimidation,
25 extortion, and coercion are illegal and present a substantial risk
26 to public safety and the well-being of the state's citizens,
27 workers and businesses; and certain limited and reasonable
28 restrictions are deemed necessary to protect our citizens from
29 these harms.

30 **SECTION 3.** (1) No person, organization, corporation, union,
31 agency or other entity thereof shall:

32 (a) Damage, harm, injure or threaten to injure or
33 coerce a business, or any employee or representative of the
34 business with the intent to unlawfully intimidate the business or
35 its employees from exercising their rights, which are protected by
36 state and federal law, in an effort to obtain something of value
37 for a public or private organization, corporation, union, agency
38 or other entity, including, but not limited to, a neutrality
39 agreement, card check agreement, collective bargaining recognition
40 or other objective of an organized initiative;

41 (b) Restrict a business, a union, or the owners or
42 employees of a business, from exercising their rights, which are
43 protected under state and federal law, in an effort to obtain
44 something of value for a public or private organization,
45 corporation, union, agency or other entity.

46 (c) Conspire with another, for the purpose of
47 disrupting lawful commerce in places of business, where such



48 activity constitutes an assault or causes physical injury to any
49 individual, located in or around the place of business.

50 (2) For purposes of this section, "something of value"
51 includes, but is not limited to, a neutrality agreement, card
52 check agreement, recognition or any other objective that is
53 motivating such activities.

54 **SECTION 4.** (1) No person, organization, corporation, union,
55 agency or other entity shall intentionally or recklessly damage
56 the business property of another when either of the following
57 applies:

58 (a) The property is used by its owner or possessor in
59 the owner's or possessor's profession, business, trade or
60 occupation; or

61 (b) The person damages or otherwise marks the property
62 owner's merchandise.

63 (2) Any person who organizes, coordinates, controls,
64 supervises, finances, manages, aids or abets any of the activities
65 prohibited by subsection (1) of this section shall be charged and
66 suffer the same penalties as the person, organization,
67 corporation, union, agency or other entity.

68 **SECTION 5.** In any civil action filed under the provisions of
69 this act, the prevailing plaintiff shall be entitled to treble
70 damages upon a showing that the conspiracy constitutes an assault
71 or causes physical injury, as defined by law for such causes of



72 action, to such plaintiff, in addition to any other damages
73 otherwise authorized by law.

74 **SECTION 6.** This act shall take effect and be in force from
75 and after July 1, 2014.

