

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**S. B. No. 71**

**Senators Goodman, Harris, Amstutz**

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**A BILL**

To amend sections 2313.11, 2313.12, 2313.13, 2313.15, 1  
2313.16, 2313.18, 2313.30, 2313.34, and 2313.99 2  
and to enact section 2313.48 of the Revised Code 3  
to change the penalties for failure to attend as 4  
required by a notice for jury service and to serve 5  
as a juror, to change the circumstances under and 6  
methods by which jury service may be postponed, to 7  
provide protections for employees and small 8  
employers when employees are summoned for jury 9  
service, to shorten the period of jury service 10  
after which a juror may be discharged, and to 11  
create a fund to compensate individuals who serve 12  
as petit jurors for more than ten days. 13

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2313.11, 2313.12, 2313.13, 2313.15, 14  
2313.16, 2313.18, 2313.30, 2313.34, and 2313.99 be amended and 15  
section 2313.48 of the Revised Code be enacted to read as follows: 16

**Sec. 2313.11.** (A) If a prospective juror fails to attend as 17  
specified in the notice referred to in section 2313.10 of the 18  
Revised Code, ~~for any cause except physical disability,~~ or if he a 19  
prospective juror refuses to be sworn, or to answer any legal and 20

pertinent question put to ~~him~~ the prospective juror by a 21  
commissioner of jurors, ~~such fact shall be reported by the~~ 22  
~~commissioner shall report that fact to the court and such person~~ 23  
~~shall be dealt with as for contempt of court.~~ One or more 24  
successive notices may be served upon the same person when ~~he~~ the 25  
person fails to attend as required by the former notice ~~and he~~ 26  
~~shall be liable to punishment as for contempt of court for each~~ 27  
~~failure to attend. A commissioner may dispense with the personal~~ 28  
~~attendance of a person so notified, when another person cognizant~~ 29  
~~of the facts is produced and testifies in his stead.~~ When a person 30  
has so attended twice for examination, ~~he~~ the person cannot be 31  
required to attend again in the same jury year. 32

(B) No prospective juror shall fail to attend as specified in 33  
the notice referred to in section 2313.10 of the Revised Code. 34

(C) No prospective juror shall fail to answer any legal and 35  
pertinent question put to the prospective juror by a commissioner 36  
of jurors. 37

**Sec. 2313.12.** It is the policy of this state that all 38  
qualified citizens have an obligation to serve on petit juries 39  
when summoned by the courts of this state unless the citizen is 40  
excused as provided in sections 2313.01 to 2313.46 of the Revised 41  
Code. The granting of an excuse or postponement to a juror shall 42  
be permitted as prescribed by sections 2313.01 to 2313.46 of the 43  
Revised Code and the general statutes of the state. The 44  
commissioners of jurors, upon request, shall issue to a person who 45  
is granted an excuse or postponement a certificate of that fact, 46  
and the certificate shall excuse the person to whom it is granted 47  
from jury service during the time specified in the certificate or 48  
shall postpone the time for jury service of the person to whom it 49  
is granted to the time specified in the certificate. The 50  
commissioners shall keep a record of all proceedings before them 51

or in their office, of all persons who are granted an excuse or 52  
postponement, and of the time of and reasons for the excuse or 53  
postponement. 54

**Sec. 2313.13.** (A) The court of common pleas of a county or 55  
the judge of the court of common pleas of a county ~~may discharge,~~ 56  
~~for the term of a court or for part of a term of a court, one or~~ 57  
~~more jurors summoned for jury duty whose attendance is not~~ 58  
~~required for the trial of issues at that term or part of a term.~~ 59

~~(B)(1) The court of common pleas of a county or a judge of~~ 60  
~~the court of common pleas of a county may, upon a request made by~~ 61  
a juror who appears in person or who contacts the clerk of the 62  
court by telephone, in writing, or by electronic mail, shall 63  
~~postpone the whole or a part of a juror's time of service on the~~ 64  
juror's initial appearance for jury duty, ~~after summoning the~~ 65  
~~juror for jury duty, to either~~ if both of the following apply: 66

~~(a) To a later date during the same term of court or part of~~ 67  
~~a term of court;~~ 68

~~(b) To a subsequent term of court or part of a term of court~~ 69  
~~of the same jury year.~~ 70

~~(2) Each~~ (1) The juror has not previously been granted a 71  
postponement. 72

(2) The juror and the clerk of court agree to a specified 73  
date on which the juror will appear for jury service. The 74  
specified date shall be one on which the court is in session and 75  
that is not more than six months after the date for which the 76  
juror was originally called to serve. 77

(B) The court of common pleas of a county or the judge of the 78  
court of common pleas of a county may grant a second or subsequent 79  
postponement of jury service to a juror only in the event of an 80  
extreme emergency, such as a death in the juror's family, a sudden 81

illness of the juror, or a natural disaster or national emergency  
in which the juror is personally involved, that could not have  
been anticipated at the time the initial postponement was granted.  
Before receiving a second or subsequent postponement, the juror  
shall agree to a specified date on which the juror will appear for  
jury service. The specified date shall be one on which the court  
is in session and that is not more than six months after the date  
of the postponement.

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Each juror whose time of service on jury duty is postponed  
until a specified date may be required to attend the opening of  
court on that day and on each day after that day until the juror  
is discharged, without additional summons from the court.

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(C) The court of common pleas of a county, or a judge of the  
court of common pleas of a county, may excuse until a specified  
date one or more jurors summoned for jury duty whose attendance is  
not required for the trial of issues until that day. Each juror  
excused until a specified date may be required to attend the  
opening of court on that day and on each day after that day until  
the juror is discharged, without additional summons from the  
court.

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(D) The court of common pleas of a county or a judge of the  
court of common pleas of a county may excuse a juror, after  
summoning the juror for jury duty, from service on jury duty at  
that term of court for not more than three days at a time, if the  
exigencies of the juror's business require the juror's temporary  
excuse.

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**Sec. 2313.15.** The commissioners of jurors shall report the  
names of all jurors granted a postponement or temporarily excused  
to a subsequent part of a term or to a subsequent term as provided  
in section 2313.13 of the Revised Code, to the officers attending  
the drawing of the jurors for that term or part of a term, and

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each such name shall be placed upon the list of jurors drawn as 113  
provided by sections 2313.01 to 2313.46 of the Revised Code. Such 114  
juror shall be made one of the total number directed to be drawn 115  
for that term or part of a term, and no more names shall be drawn 116  
from the jury wheel, or drawn by use of the automation data 117  
processing equipment and procedures described in section 2313.07 118  
of the Revised Code, than are sufficient to make up the number 119  
ordered by adding the names of the jurors so excused to the names 120  
then drawn. 121

**Sec. 2313.16.** (A) Except as provided by section 2313.13 of 122  
the Revised Code, the court of common pleas shall not excuse a 123  
person who is liable to serve as a juror and who is drawn and 124  
notified, unless it is shown to the satisfaction of the judge by 125  
either the juror or another person acquainted with the facts that 126  
one or more of the following applies: 127

~~(A) The juror is then necessarily absent from the county and 128  
will not return in time to serve. 129~~

~~(B)(1) The interests of the public ~~or of the juror~~ will be 130  
materially injured by the juror's attendance. 131~~

~~(C) The juror is physically unable to serve. 132~~

~~(D) The juror's spouse or a near relative of the juror or the 133  
juror's spouse has recently died or is dangerously ill. 134~~

~~(E) The juror had been called as a juror for trial in a court 135  
of record in the county within the same jury year. 136~~

~~(F) The juror is a cloistered member of a religious 137  
organization. 138~~

(2) The prospective juror has a mental or physical condition 139  
that causes the prospective juror to be incapable of performing 140  
jury service. The prospective juror, or the prospective juror's 141

personal representative, must provide the court with documentation 142  
from a physician licensed to practice medicine verifying that a 143  
mental or physical condition renders the prospective juror unfit 144  
for jury service for a period of up to twenty-four months. 145

(3) Jury service would otherwise cause undue or extreme 146  
physical or financial hardship to the prospective juror or a 147  
person under the care or supervision of the prospective juror. A 148  
judge of the court for which the prospective juror was called to 149  
jury service shall make undue or extreme physical or financial 150  
hardship determinations. The judge may delegate the authority to 151  
make these determinations only to court officials or personnel who 152  
are authorized by the laws of this state to function as members of 153  
the judiciary. 154

(B) A prospective juror who requests to be excused from jury 155  
service under this section shall take all actions necessary to 156  
obtain a ruling on that request by no later than the date on which 157  
the prospective juror is scheduled to appear for jury duty. 158

(C)(1) For purposes of this section, undue or extreme 159  
physical or financial hardship is limited to circumstances in 160  
which any of the following apply: 161

(a) The prospective juror would be required to abandon a 162  
person under the prospective juror's personal care or supervision 163  
due to the impossibility of obtaining an appropriate substitute 164  
caregiver during the period of participation in the jury pool or 165  
on the jury. 166

(b) The prospective juror would incur costs that would have a 167  
substantial adverse impact on the payment of the prospective 168  
juror's necessary daily living expenses or on those for whom the 169  
prospective juror provides the principle means of support. 170

(c) The prospective juror would suffer physical hardship that 171  
would result in illness or disease. 172

(2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment. 173  
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(D) A prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation, including, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, that the judge finds to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court shall deny the request to be excused. 177  
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(E) When a ~~person~~ prospective juror who is liable to serve is excused in a case specified in this section, the prospective juror can be excused only by the judge presiding in the case or a representative of the judge. An excuse approved pursuant to this section shall not extend beyond that term. Every approved excuse shall be recorded and filed with the commissioners of jurors. After twenty-four months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature. 186  
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**Sec. 2313.18.** (A) No employer shall discharge or threaten to discharge any permanent employee who is summoned to serve as a juror pursuant to Chapter 2313. of the Revised Code or otherwise subject any permanent employee to any adverse employment action as a result of the employee's service as a juror if the employee gives reasonable notice to the employer of the summons prior to 198  
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the commencement of the employee's service as a juror and if the 204  
employee is absent from employment because of the actual jury 205  
service. 206

(B) No employer shall require or request an employee to use 207  
annual, vacation, or sick leave for time spent responding to a 208  
summons for jury duty, time spent participating in the jury 209  
selection process, or for time spent actually serving on a jury. 210  
Nothing in this division requires an employer to provide annual, 211  
vacation, or sick leave to employees under the provisions of this 212  
section who otherwise are not entitled to those benefits under the 213  
employer's policies. 214

(C) A court shall automatically postpone and reschedule the 215  
service of a summoned juror of an employer with five or fewer 216  
full-time employees, or their equivalent, if another employee of 217  
that employer has previously been summoned to appear during the 218  
same period. Such postponement will not constitute the excused 219  
individual's right to one automatic postponement pursuant to 220  
section 2313.13 of the Revised Code. 221

(D) Whoever violates this section shall be punished as for a 222  
contempt of court pursuant to Chapter 2705. of the Revised Code. 223

**Sec. 2313.30.** ~~When a~~ No person whose name is drawn and who is 224  
notified, ~~fails~~ shall fail to attend and serve as a juror at a 225  
term of a court of record, without having been excused, ~~the court,~~ 226  
~~besides imposing a fine as prescribed in section 2313.29 of the~~ 227  
~~Revised Code, may direct the sheriff to arrest him and bring him~~ 228  
~~before the court; and when he has been so brought in, it may~~ 229  
~~compel him to serve, or it may punish him as for contempt of~~ 230  
~~court.~~ 231

**Sec. 2313.34.** (A) A person who is summoned as a juror and who 232  
has actually served as a juror in any county of the state under 233



sections 2313.01 to 2313.46 of the Revised Code for ~~three~~ 234  
~~consecutive calendar weeks~~ one day shall be discharged by the 235  
court, except that the person shall not be so discharged until the 236  
close of a trial in which the person may be serving when the 237  
person's jury term expires. 238

(B)(1) The board of county commissioners by resolution shall 239  
fix the compensation of each juror, not to exceed forty dollars 240  
for each day's attendance, payable out of the county treasury. 241

(2) After ten days of actual service, except as otherwise 242  
authorized by division (B)(2) of this section, the compensation of 243  
a juror shall be fixed for each additional day of actual service 244  
at an amount equal to the greater of fifteen dollars or one and 245  
one-half times the compensation fixed pursuant to division (B)(1) 246  
of this section. The board of county commissioners by resolution 247  
may set the compensation at a greater amount that shall not exceed 248  
two times the compensation fixed pursuant to division (B)(1) of 249  
this section. 250

(3) Residents of townships that are comprised entirely of 251  
islands shall be reimbursed for the additional transportation 252  
costs they incur to serve as a juror, in the amount certified to 253  
be due by a judge of the court in which the jury service is 254  
performed. 255

(C) A person who is discharged as prescribed in this section 256  
is thereafter prohibited from jury service in any court of the 257  
state until the second jury year after the day of the person's 258  
last service, except in counties of less than one hundred thousand 259  
population, in which cases the court shall make rules in the 260  
county applicable to subsequent jury service by persons of that 261  
nature. 262

(D) Whenever the certificates of the clerk of the court of 263  
common pleas show that a person is entitled to a discharge as 264

prescribed in this section, the commissioners of jurors, upon 265  
request, shall certify to that fact. No person shall be exempted 266  
from jury service for any reason, but a person may be excused from 267  
jury service or have the person's jury service postponed in 268  
accordance with sections 2313.01 to 2313.46 of the Revised Code 269  
and the general statutes of the state. 270

(E) No person shall be exempted or excused from jury service 271  
or be granted a postponement of jury service by reason of any 272  
financial contribution to any public or private organization. 273

Sec. 2313.48. (A) The supreme court shall promulgate rules to 274  
establish a lengthy trial fund that shall be used to provide full 275  
or partial wage replacement or wage supplementation to jurors who 276  
serve as petit jurors for more than ten days. The court rules 277  
shall provide for all of the following: 278

(1) The selection and appointment of an administrator for the 279  
fund; 280

(2) Procedures for the administration of the fund, including 281  
payments of salaries of the administrator and other necessary 282  
personnel; 283

(3) Procedures for the accounting, auditing and investment of 284  
money in the lengthy trial fund; 285

(4) A report by the supreme court of Ohio on the 286  
administration of the lengthy trial fund in its annual report on 287  
the judicial branch, setting forth the money collected for and 288  
disbursed from the fund. 289

(B) Notwithstanding any other compensation or fees payable 290  
under the laws of this state, each trial court in the state shall 291  
collect from each attorney who files a civil case, unless 292  
otherwise exempted under the provisions of this section, a fee of 293  
twenty dollars per case to be paid into the lengthy trial fund. An 294

attorney shall be considered to have filed a case at the time the first pleading or other filing on which an individual attorney's name appears is submitted to the court for filing and opens a new case. The trial court shall forward all fees collected under this section to the administrator of the lengthy trial fund for deposit into that fund.

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(C) The administrator shall use the fees deposited in the lengthy trial fund to pay full or partial wage replacement or supplementation to jurors whose employers pay less than full regular wages when the period of jury service lasts more than ten days.

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(D) The court may pay replacement or supplemental wages of up to three hundred dollars per day per juror beginning on the eleventh day of service. This wage replacement or supplementation shall be granted in addition to any reimbursements for expenses or other payments a juror may receive under section 2313.34 of the Revised Code. In addition, for any jurors who qualify for payment by virtue of having served on a jury for more than ten days, the court may, upon finding that such service posed a significant financial hardship to a juror, even in light of payments made with respect to jury service after the tenth day, award replacement or supplemental wages of up to one hundred dollars per day from the fourth to the tenth day of jury service.

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(E) Any juror who is serving or has served on a jury that qualifies for payment from the lengthy trial fund, provided the service commenced on or after the effective date of this section, may submit a request for payment from the lengthy trial fund on a form that the administrator provides. Payment shall be limited to the difference between the state paid jury fee and the actual amount of wages a juror earns, up to the maximum level payable, minus any amount the juror actually receives from the employer during the same time period.

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The form shall disclose the juror's regular wages, the amount 327  
the employer will pay during the term of jury service starting on 328  
the eleventh day and thereafter, the amount of replacement or 329  
supplemental wages requested, and any other information the 330  
administrator deems necessary for proper payment. 331

The juror also shall be required to submit verification from 332  
the employer as to the wage information provided to the 333  
administrator, for example, the employee's most recent earnings 334  
statement or similar document, prior to initiation of payment from 335  
the fund. 336

If an individual is self-employed or receives compensation 337  
other than wages, the individual may provide a sworn affidavit 338  
attesting to his or her approximate gross weekly income, together 339  
with such other information as the administrator may require, in 340  
order to verify weekly income. 341

(F) The following attorneys and causes of action are exempt 342  
from payment of the lengthy trial fund fee: 343

(1) Government attorneys entering appearances in the course 344  
of their official duties; 345

(2) Pro se litigants; 346

(3) Cases in small claims court; 347

(4) Claims seeking social security disability determinations; 348  
individual veterans' compensation or disability determinations; 349  
recoupment actions for government backed educational loans or 350  
mortgages; child custody and support cases; actions brought in 351  
forma pauperis; and any other filings designated by rule that 352  
involve minimal use of court resources and that customarily are 353  
not afforded the opportunity for a trial by jury. 354

**Sec. 2313.99.** (A) Whoever violates section 2313.29 of the 355  
Revised Code may be fined not less than twenty-five nor more than 356

two hundred fifty dollars. 357

(B) Whoever violates section 2313.30 or 2313.47 of the 358  
Revised Code shall be fined not less than fifty nor more than five 359  
hundred dollars, imprisoned not less than thirty nor more than 360  
ninety days, or both. 361

(C) Whoever violates division (B) or (C) of section 2313.11 362  
of the Revised Code is guilty of a misdemeanor of the third 363  
degree. If successive notices are served on a prospective juror 364  
pursuant to section 2313.11 of the Revised Code, each failure in 365  
violation of division (B) of section 2313.11 of the Revised Code 366  
to attend as specified in the successive notices is a separate 367  
offense. 368

**Section 2.** That existing sections 2313.11, 2313.12, 2313.13, 369  
2313.15, 2313.16, 2313.18, 2313.30, 2313.34, and 2313.99 of the 370  
Revised Code are hereby repealed. 371