

As Reported by the House Civil and Commercial Law Committee

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Sub. S. B. No. 71

Senators Goodman, Harris, Amstutz, Fingerhut, Blessing, DiDonato,

Robert Gardner, Schuler, Stivers

Representatives Seitz, Grendell, Willamowski, Latta

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A B I L L

To amend sections 1901.141, 2301.02, 2313.08, 1
2313.10, 2313.11, 2313.12, 2313.13, 2313.15, 2
2313.16, 2313.18, 2313.25, 2313.26, 2313.30, 3
2313.34, 2313.99, 2335.28, 2945.28, and 2947.23 4
and to enact section 2313.251 of the Revised Code 5
to change the penalties for failure to attend as 6
required by a notice for jury service and to serve 7
as a juror, to change the circumstances under and 8
methods by which jury service may be postponed, to 9
provide protections for employees and small 10
employers when employees are summoned for jury 11
service, to eliminate the cap on juror 12
compensation, to shorten the period of jury 13
service after which a juror may be discharged, to 14
allow the commissioners of jurors to establish an 15
electronic notification system to allow jurors to 16
be notified electronically that the juror shall 17
attend in person the term or part of the term 18
specified in the notice, to make other changes to 19
the jury selection procedures, to eliminate the 20
four-day maximum on the amount of jury fees that 21
are taxed as costs in a civil action, to permit 22
costs of summoning jurors to be assessed against a 23

defendant in certain nonjury criminal trials, to 24
expand the circumstances in which a municipal 25
court judge may appoint special constables to also 26
include circumstances in which the municipal court 27
has countywide jurisdiction and is a successor 28
court of a county court that previously served the 29
county, and to add one judge to the Clermont 30
County Court of Common Pleas. 31

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

Section 1. That sections 1901.141, 2301.02, 2313.08, 2313.10, 32
2313.11, 2313.12, 2313.13, 2313.15, 2313.16, 2313.18, 2313.25, 33
2313.26, 2313.30, 2313.34, 2313.99, 2335.28, 2945.28, and 2947.23 34
be amended and section 2313.251 of the Revised Code be enacted to 35
read as follows: 36

Sec. 1901.141. (A)(1) Upon the written application of the 37
director of administrative services or of at least three 38
freeholders of the territory, a municipal judge may appoint one or 39
more electors who are residents of the county as special 40
constables, but only if ~~the~~ either of the following applies: 41

(a) The territory within the jurisdiction of the municipal 42
court served by the municipal court judge is contiguous to 43
territory within the jurisdiction of a county court, where the 44
judge of that county court judge has appointed a special constable 45
to guard and protect territory abutting territory in the municipal 46
court's jurisdiction, and the abutting territory within the 47
municipal court's jurisdiction is the property within the 48
application for which a special constable is being sought. In 49

(b) The territory within the jurisdiction of the municipal 50
court served by the municipal court judge is coextensive with the 51

boundaries of the county in which the court is located, and the 52
municipal court is a successor court of a county court that 53
previously served that county. 54

(2) In order to be eligible to serve as a special constable 55
under this section, an elector shall hold a valid certificate 56
issued by the Ohio peace officer training commission. 57

The special constables shall guard and protect from unlawful 58
acts the property of the state specified in the application or the 59
property of the applicant-freeholders and any property of the 60
state under lease to the applicant-freeholders specified in the 61
application. To the extent necessary to carry out the 62
responsibility to guard and protect the property involved, a 63
special constable shall have the same authority and shall be 64
subject to the same obligations as a peace officer, as defined in 65
section 2935.01 of the Revised Code. 66

(B) A municipal judge who appoints a special constable 67
pursuant to division (A) of this section shall make a memorandum 68
of the appointment upon the docket of the court. The appointment 69
shall continue in force for one year unless the judge revokes it 70
before the expiration of that one-year period. The 71
applicant-freeholders for whose benefit a special constable is 72
appointed shall pay the special constable in full for the special 73
constable's services, and the special constable shall receive no 74
compensation except from those applicant-freeholders. 75

If a municipal judge wishes to reappoint an elector for a 76
successive one-year period, before the elector may be appointed 77
the elector shall have successfully completed a firearms 78
requalification program approved by the executive director of the 79
Ohio peace officer training commission in accordance with rules 80
adopted by the attorney general under section 109.743 of the 81
Revised Code. 82

(C) A municipal judge who appoints a special constable 83
pursuant to division (A) of this section, the municipal court on 84
which the judge sits, the legislative authority associated with 85
that court, and all political subdivisions within the territory of 86
that court are not liable in damages in any tort or other civil 87
action for injury, death, or loss to person or property allegedly 88
caused by any act or omission of the special constable that 89
relates to the special constable's official responsibility to 90
guard and protect property. 91

(D) A special constable appointed pursuant to division (A) of 92
this section is not liable in damages in any tort or other civil 93
action for injury, death, or loss to person or property allegedly 94
caused by an act or omission of the special constable that relates 95
to the special constable's official responsibility to guard and 96
protect property, unless the act or omission was committed or 97
omitted with malicious purpose, in bad faith, or in a wanton or 98
reckless manner. The state, if the director of administrative 99
services requested the appointment of the special constable, or 100
the applicant-freeholders, if freeholders requested the 101
appointment of the special constable, shall be jointly and 102
severally liable in damages in any tort or other civil action for 103
injury, death, or loss to person or property caused by an act or 104
omission of the special constable that was committed or omitted 105
with malicious purpose, in bad faith, or in a wanton or reckless 106
manner. The state or the applicant-freeholders are not liable in 107
damages in any tort or other civil action for injury, death, or 108
loss to person or property caused by any other act or omission of 109
the special constable. 110

(E) This section does not affect any immunities from civil 111
liability or defenses established or recognized by Chapter 2744. 112
or any other chapter of the Revised Code, or available at common 113
law, to which the state or a municipal judge, municipal court, 114

legislative authority, political subdivision, special constable 115
appointed pursuant to division (A) of this section, or 116
applicant-freeholder may be entitled under circumstances not 117
covered by this section. 118

Sec. 2301.02. The number of judges of the court of common 119
pleas for each county, the time for the next election of the 120
judges in the several counties, and the beginning of their terms 121
shall be as follows: 122

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 123
elected in 1956, term to begin February 9, 1957; 124

In Brown, Crawford, Defiance, Highland, Holmes, Morgan, 125
Ottawa, and Union counties, one judge, to be elected in 1954, term 126
to begin February 9, 1955; 127

In Auglaize county, one judge, to be elected in 1956, term to 128
begin January 9, 1957; 129

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, 130
Jackson, Knox, Madison, Mercer, Monroe, Morrow, Paulding, Vinton, 131
and Wyandot counties, one judge, to be elected in 1956, term to 132
begin January 1, 1957; 133

In Logan county, two judges, one to be elected in 1956, term 134
to begin January 1, 1957, and one to be elected in 2004, term to 135
begin January 2, 2005; 136

In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway, 137
Preble, Shelby, Van Wert, and Williams counties, one judge, to be 138
elected in 1952, term to begin January 1, 1953; 139

In Harrison and Noble counties, one judge, to be elected in 140
1954, term to begin April 18, 1955; 141

In Henry county, two judges, one to be elected in 1956, term 142
to begin May 9, 1957, and one to be elected in 2004, term to begin 143

January 1, 2005;	144
In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;	145 146
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	147 148
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	149 150
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	151 152 153
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	154 155 156 157
In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;	158 159 160 161
In Athens county, two judges, one to be elected in 1954, term to begin February 9, 1955, and one to be elected in 1990, term to begin July 1, 1991;	162 163 164
In Erie county, four judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1970, term to begin January 2, 1971, the third to be elected in 2004, term to begin January 2, 2005, and the fourth to be elected in 2008, term to begin February 9, 2009;	165 166 167 168 169
In Fairfield county, three judges, one to be elected in 1954, term to begin February 9, 1955, the second to be elected in 1970, term to begin January 1, 1971, and the third to be elected in 1994, term to begin January 2, 1995;	170 171 172 173

In Geauga county, two judges, one to be elected in 1956, term to begin January 1, 1957, and the second to be elected in 1976, term to begin January 6, 1977;	174 175 176
In Greene county, four judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1960, term to begin January 1, 1961, the third to be elected in 1978, term to begin January 2, 1979, and the fourth to be elected in 1994, term to begin January 1, 1995;	177 178 179 180 181
In Hancock county, two judges, one to be elected in 1952, term to begin January 1, 1953, and the second to be elected in 1978, term to begin January 1, 1979;	182 183 184
In Lawrence county, two judges, one to be elected in 1954, term to begin February 9, 1955, and the second to be elected in 1976, term to begin January 1, 1977;	185 186 187
In Marion county, three judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1976, term to begin January 2, 1977, and the third to be elected in 1998, term to begin February 9, 1999;	188 189 190 191
In Medina county, three judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1966, term to begin January 1, 1967, and the third to be elected in 1994, term to begin January 1, 1995;	192 193 194 195
In Miami county, two judges, one to be elected in 1954, term to begin February 9, 1955, and one to be elected in 1970, term to begin on January 1, 1971;	196 197 198
In Muskingum county, three judges, one to be elected in 1968, term to begin August 9, 1969, one to be elected in 1978, term to begin January 1, 1979, and one to be elected in 2002, term to begin January 2, 2003;	199 200 201 202
In Portage county, three judges, one to be elected in 1956,	203

term to begin January 1, 1957, the second to be elected in 1960,	204
term to begin January 1, 1961, and the third to be elected in	205
1986, term to begin January 2, 1987;	206
In Ross county, two judges, one to be elected in 1956, term	207
to begin February 9, 1957, and the second to be elected in 1976,	208
term to begin January 1, 1977;	209
In Scioto county, three judges, one to be elected in 1954,	210
term to begin February 10, 1955, the second to be elected in 1960,	211
term to begin January 1, 1961, and the third to be elected in	212
1994, term to begin January 2, 1995;	213
In Seneca county, two judges, one to be elected in 1956, term	214
to begin January 1, 1957, and the second to be elected in 1986,	215
term to begin January 2, 1987;	216
In Warren county, four judges, one to be elected in 1954,	217
term to begin February 9, 1955, the second to be elected in 1970,	218
term to begin January 1, 1971, the third to be elected in 1986,	219
term to begin January 1, 1987, and the fourth to be elected in	220
2004, term to begin January 2, 2005;	221
In Washington county, two judges, one to be elected in 1952,	222
term to begin January 1, 1953, and one to be elected in 1986, term	223
to begin January 1, 1987;	224
In Wood county, three judges, one to be elected in 1968, term	225
beginning January 1, 1969, the second to be elected in 1970, term	226
to begin January 2, 1971, and the third to be elected in 1990,	227
term to begin January 1, 1991;	228
In Belmont and Jefferson counties, two judges, to be elected	229
in 1954, terms to begin January 1, 1955, and February 9, 1955,	230
respectively;	231
In Clark county, four judges, one to be elected in 1952, term	232
to begin January 1, 1953, the second to be elected in 1956, term	233

to begin January 2, 1957, the third to be elected in 1986, term to 234
begin January 3, 1987, and the fourth to be elected in 1994, term 235
to begin January 2, 1995. 236

In Clermont county, ~~four~~ five judges, one to be elected in 237
1956, term to begin January 1, 1957, the second to be elected in 238
1964, term to begin January 1, 1965, the third to be elected in 239
1982, term to begin January 2, 1983, ~~and~~ the fourth to be elected 240
in 1986, term to begin January 2, 1987; and the fifth to be 241
elected in 2006, term to begin January 3, 2007; 242

In Columbiana county, two judges, one to be elected in 1952, 243
term to begin January 1, 1953, and the second to be elected in 244
1956, term to begin January 1, 1957; 245

In Delaware county, two judges, one to be elected in 1990, 246
term to begin February 9, 1991, the second to be elected in 1994, 247
term to begin January 1, 1995; 248

In Lake county, six judges, one to be elected in 1958, term 249
to begin January 1, 1959, the second to be elected in 1960, term 250
to begin January 2, 1961, the third to be elected in 1964, term to 251
begin January 3, 1965, the fourth and fifth to be elected in 1978, 252
terms to begin January 4, 1979, and January 5, 1979, respectively, 253
and the sixth to be elected in 2000, term to begin January 6, 254
2001; 255

In Licking county, four judges, one to be elected in 1954, 256
term to begin February 9, 1955, one to be elected in 1964, term to 257
begin January 1, 1965, one to be elected in 1990, term to begin 258
January 1, 1991, and one to be elected in 2004, term to begin 259
January 1, 2005; 260

In Lorain county, eight judges, two to be elected in 1952, 261
terms to begin January 1, 1953, and January 2, 1953, respectively, 262
one to be elected in 1958, term to begin January 3, 1959, one to 263
be elected in 1968, term to begin January 1, 1969, two to be 264

elected in 1988, terms to begin January 4, 1989, and January 5,
1989, respectively, and two to be elected in 1998, terms to begin
January 2, 1999, and January 3, 1999, respectively;

In Butler county, ten judges, one to be elected in 1956, term
to begin January 1, 1957; two to be elected in 1954, terms to
begin January 1, 1955, and February 9, 1955, respectively; one to
be elected in 1968, term to begin January 2, 1969; one to be
elected in 1986, term to begin January 3, 1987; two to be elected
in 1988, terms to begin January 1, 1989, and January 2, 1989,
respectively; one to be elected in 1992, term to begin January 4,
1993; and two to be elected in 2002, terms to begin January 2,
2003, and January 3, 2003, respectively;

In Richland county, four judges, one to be elected in 1956,
term to begin January 1, 1957, the second to be elected in 1960,
term to begin February 9, 1961, the third to be elected in 1968,
term to begin January 2, 1969, and the fourth to be elected in
2004, term to begin January 3, 2005;

In Tuscarawas county, two judges, one to be elected in 1956,
term to begin January 1, 1957, and the second to be elected in
1960, term to begin January 2, 1961;

In Wayne county, two judges, one to be elected in 1956, term
beginning January 1, 1957, and one to be elected in 1968, term to
begin January 2, 1969;

In Trumbull county, six judges, one to be elected in 1952,
term to begin January 1, 1953, the second to be elected in 1954,
term to begin January 1, 1955, the third to be elected in 1956,
term to begin January 1, 1957, the fourth to be elected in 1964,
term to begin January 1, 1965, the fifth to be elected in 1976,
term to begin January 2, 1977, and the sixth to be elected in
1994, term to begin January 3, 1995;

(C) In Cuyahoga county, thirty-nine judges; eight to be

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elected in 1954, terms to begin on successive days beginning from
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January 1, 1955, to January 7, 1955, and February 9, 1955,
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respectively; eight to be elected in 1956, terms to begin on
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successive days beginning from January 1, 1957, to January 8,
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1957; three to be elected in 1952, terms to begin from January 1,
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1953, to January 3, 1953; two to be elected in 1960, terms to
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begin on January 8, 1961, and January 9, 1961, respectively; two
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to be elected in 1964, terms to begin January 4, 1965, and January
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5, 1965, respectively; one to be elected in 1966, term to begin on
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January 10, 1967; four to be elected in 1968, terms to begin on
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successive days beginning from January 9, 1969, to January 12,
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1969; two to be elected in 1974, terms to begin on January 18,
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1975, and January 19, 1975, respectively; five to be elected in
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1976, terms to begin on successive days beginning January 6, 1977,
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to January 10, 1977; two to be elected in 1982, terms to begin
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January 11, 1983, and January 12, 1983, respectively; and two to
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be elected in 1986, terms to begin January 13, 1987, and January
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14, 1987, respectively;

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In Franklin county, twenty-two judges; two to be elected in
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1954, terms to begin January 1, 1955, and February 9, 1955,
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respectively; four to be elected in 1956, terms to begin January
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1, 1957, to January 4, 1957; four to be elected in 1958, terms to
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begin January 1, 1959, to January 4, 1959; three to be elected in
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1968, terms to begin January 5, 1969, to January 7, 1969; three to
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be elected in 1976, terms to begin on successive days beginning
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January 5, 1977, to January 7, 1977; one to be elected in 1982,
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term to begin January 8, 1983; one to be elected in 1986, term to
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begin January 9, 1987; two to be elected in 1990, terms to begin
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July 1, 1991, and July 2, 1991, respectively; one to be elected in
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1996, term to begin January 2, 1997; and one to be elected in
326
2004, term to begin July 1, 2005;

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In Hamilton county, twenty-one judges; eight to be elected in

1966, terms to begin January 1, 1967, January 2, 1967, and from 328
February 9, 1967, to February 14, 1967, respectively; five to be 329
elected in 1956, terms to begin from January 1, 1957, to January 330
5, 1957; one to be elected in 1964, term to begin January 1, 1965; 331
one to be elected in 1974, term to begin January 15, 1975; one to 332
be elected in 1980, term to begin January 16, 1981; two to be 333
elected at large in the general election in 1982, terms to begin 334
April 1, 1983; one to be elected in 1990, term to begin July 1, 335
1991; and two to be elected in 1996, terms to begin January 3, 336
1997, and January 4, 1997, respectively; 337

In Lucas county, fourteen judges; two to be elected in 1954, 338
terms to begin January 1, 1955, and February 9, 1955, 339
respectively; two to be elected in 1956, terms to begin January 1, 340
1957, and October 29, 1957, respectively; two to be elected in 341
1952, terms to begin January 1, 1953, and January 2, 1953, 342
respectively; one to be elected in 1964, term to begin January 3, 343
1965; one to be elected in 1968, term to begin January 4, 1969; 344
two to be elected in 1976, terms to begin January 4, 1977, and 345
January 5, 1977, respectively; one to be elected in 1982, term to 346
begin January 6, 1983; one to be elected in 1988, term to begin 347
January 7, 1989; one to be elected in 1990, term to begin January 348
2, 1991; and one to be elected in 1992, term to begin January 2, 349
1993; 350

In Mahoning county, seven judges; three to be elected in 351
1954, terms to begin January 1, 1955, January 2, 1955, and 352
February 9, 1955, respectively; one to be elected in 1956, term to 353
begin January 1, 1957; one to be elected in 1952, term to begin 354
January 1, 1953; one to be elected in 1968, term to begin January 355
2, 1969; and one to be elected in 1990, term to begin July 1, 356
1991; 357

In Montgomery county, fifteen judges; three to be elected in 358
1954, terms to begin January 1, 1955, January 2, 1955, and January 359

3, 1955, respectively; four to be elected in 1952, terms to begin 360
January 1, 1953, January 2, 1953, July 1, 1953, July 2, 1953, 361
respectively; one to be elected in 1964, term to begin January 3, 362
1965; one to be elected in 1968, term to begin January 3, 1969; 363
three to be elected in 1976, terms to begin on successive days 364
beginning January 4, 1977, to January 6, 1977; two to be elected 365
in 1990, terms to begin July 1, 1991, and July 2, 1991, 366
respectively; and one to be elected in 1992, term to begin January 367
1, 1993. 368

In Stark county, eight judges; one to be elected in 1958, 369
term to begin on January 2, 1959; two to be elected in 1954, terms 370
to begin on January 1, 1955, and February 9, 1955, respectively; 371
two to be elected in 1952, terms to begin January 1, 1953, and 372
April 16, 1953, respectively; one to be elected in 1966, term to 373
begin on January 4, 1967; and two to be elected in 1992, terms to 374
begin January 1, 1993, and January 2, 1993, respectively; 375

In Summit county, eleven judges; four to be elected in 1954, 376
terms to begin January 1, 1955, January 2, 1955, January 3, 1955, 377
and February 9, 1955, respectively; three to be elected in 1958, 378
terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, 379
respectively; one to be elected in 1966, term to begin January 4, 380
1967; one to be elected in 1968, term to begin January 5, 1969; 381
one to be elected in 1990, term to begin May 1, 1991; and one to 382
be elected in 1992, term to begin January 6, 1993. 383

Notwithstanding the foregoing provisions, in any county 384
having two or more judges of the court of common pleas, in which 385
more than one-third of the judges plus one were previously elected 386
at the same election, if the office of one of those judges so 387
elected becomes vacant more than forty days prior to the second 388
general election preceding the expiration of that judge's term, 389
the office that that judge had filled shall be abolished as of the 390
date of the next general election, and a new office of judge of 391

the court of common pleas shall be created. The judge who is to
fill that new office shall be elected for a six-year term at the
next general election, and the term of that judge shall commence
on the first day of the year following that general election, on
which day no other judge's term begins, so that the number of
judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas
are judges of the court of common pleas but shall be elected
pursuant to sections 2101.02 and 2101.021 of the Revised Code,
except in Adams, Harrison, Henry, Morgan, Morrow, Noble, and
Wyandot counties in which the judge of the court of common pleas
elected pursuant to this section also shall serve as judge of the
probate division.

Sec. 2313.08. (A) The jury year in each county shall begin on
the first Monday of August of each year, provided the court of
common pleas may designate otherwise. A new and complete jury list
shall be made up annually by the commissioners of jurors, and
shall be certified by them and filed in their office before the
beginning of each jury year. The names shall be entered in a
suitable book or record, to be known as the "annual jury list,"
shall be arranged alphabetically so far as practicable and under
convenient divisions by precincts, districts, and townships, and
shall be properly indexed. With each name shall be recorded the
occupation, place of business, place of residence, duration of
residence in this state, citizenship status, date of birth, and
social security number of the person, as nearly as they can be
ascertained. A duplicate of the list shall be certified by the
commissioners and filed in the office of the clerk of the court of
common pleas. The commissioners may, by order of the court, add to
the list, or enter on a supplementary list, the names of persons
who shall thereafter be discovered to be qualified to serve as

jurors. 423

(B) In the selection of names for the annual jury list, the 424
commissioners may select all names other than names of persons 425
excused from service permanently pursuant to section 2313.16 of 426
the Revised Code from the list of electors certified by the board 427
of elections pursuant to section 2313.06 of the Revised Code or 428
may select all names other than names of persons excused from 429
service permanently pursuant to section 2313.16 of the Revised 430
Code from the list of qualified driver licensees certified by the 431
registrar of motor vehicles pursuant to section 2313.06 of the 432
Revised Code and from the list of electors certified by the board 433
of elections pursuant to section 2313.06 of the Revised Code. The 434
commissioners may not select for the annual jury list names of 435
persons who are excused from service permanently pursuant to 436
section 2313.16 of the Revised Code. 437

In the selection of the names for the annual jury list, 438
unless otherwise ordered by the court, the commissioners shall 439
assign a consecutive number to each name, starting with one, and 440
shall use a key number that shall be designated by the court. The 441
commissioners shall select the name of each prospective juror, 442
starting with the name that corresponds to a randomly selected 443
number that may range from the number one to the key number, and 444
proceeding accordingly in the numerical sequence of the key number 445
so designated, until the required number of prospective jurors has 446
been selected. 447

(C) Automation data processing procedures and visual display 448
apparatus may be utilized in the selection of the names for the 449
annual jury list, and in the actual compilation of the list. 450

Sec. 2313.10. (A) The commissioners of jurors may serve 451
personally or by mail on any person within the county, a notice 452
requiring ~~him~~ the person to attend before a commissioner at a 453

specified time, not less than five days after service of the 454
notice, for the purpose of testifying concerning ~~his~~ the person's 455
own qualifications or liability, or those of any other person, to 456
serve as a juror. A person so notified must attend and testify 457
accordingly. 458

(B) No prospective juror shall fail to attend as specified in 459
division (A) of this section. 460

Sec. 2313.11. (A) If a prospective juror fails to attend as 461
specified in the notice referred to in section 2313.10 of the 462
Revised Code, ~~for any cause except physical disability,~~ or if ~~he a~~ 463
prospective juror refuses to be sworn, or to answer any legal and 464
pertinent question put to ~~him~~ the prospective juror by a 465
commissioner of jurors, ~~such fact shall be reported by the~~ 466
commissioner shall report that fact to the court ~~and such person~~ 467
~~shall be dealt with as for contempt of court.~~ One or more 468
successive notices may be served upon the same person when ~~he~~ the 469
person fails to attend as required by the former notice ~~and he~~ 470
~~shall be liable to punishment as for contempt of court for each~~ 471
~~failure to attend. A commissioner may dispense with the personal~~ 472
~~attendance of a person so notified, when another person cognizant~~ 473
~~of the facts is produced and testifies in his stead.~~ When a person 474
has so attended twice for examination, ~~he~~ the person cannot be 475
required to attend again in the same jury year. 476

(B) No prospective juror shall fail to answer any legal and 477
pertinent question put to the prospective juror by the court. 478

(C) The court shall inform a prospective juror that the 479
prospective juror has the right to request an in-camera hearing, 480
on the record and with an attorney present, regarding any legal 481
and pertinent question put to the prospective juror by the court. 482
The court is not required to hold an in-camera hearing under this 483
division unless the information that is contained in the response 484

to the question put to the prospective juror by the court is 485
requested by any person, and the prospective juror requests that 486
the information should not be released. 487

Sec. 2313.12. It is the policy of this state that all 488
qualified citizens have an obligation to serve on petit juries 489
when summoned by the courts of this state unless the citizen is 490
excused as provided in sections 2313.01 to 2313.46 of the Revised 491
Code. The granting of an excuse or postponement to a juror shall 492
be permitted as prescribed by sections 2313.01 to 2313.46 of the 493
Revised Code and the general statutes of the state. The 494
commissioners of jurors, upon request, shall issue to a person who 495
is granted an excuse or postponement a certificate of that fact, 496
and the certificate shall excuse the person to whom it is granted 497
from jury service during the time specified in the certificate or 498
shall postpone the time for jury service of the person to whom it 499
is granted to the time specified in the certificate. The 500
commissioners shall keep a record of all proceedings before them 501
or in their office, of all persons who are granted an excuse or 502
postponement, and of the time of and reasons for the excuse or 503
postponement. 504

Sec. 2313.13. (A) The court of common pleas of a county or 505
the judge of the court of common pleas of a county ~~may discharge,~~ 506
~~for the term of a court or for part of a term of a court, one or~~ 507
~~more jurors summoned for jury duty whose attendance is not~~ 508
~~required for the trial of issues at that term or part of a term.~~ 509

~~(B)(1) The court of common pleas of a county or a judge of~~ 510
~~the court of common pleas of a county may, upon a request made at~~ 511
least two business days before the juror's initial appearance by a 512
juror who appears in person or contacts the appropriate court 513
employee appointed by the court by telephone, in writing, or by 514

~~electronic mail, shall postpone the whole or a part of a juror's~~ 515
~~time of service on the juror's initial appearance for jury duty,~~ 516
~~after summoning the juror for jury duty, to either if both of the~~ 517
following apply: 518

~~(a) To a later date during the same term of court or part of~~ 519
~~a term of court;~~ 520

~~(b) To a subsequent term of court or part of a term of court~~ 521
~~of the same jury year.~~ 522

~~(2) Each (1) The juror has not previously been granted a~~ 523
~~postponement.~~ 524

(2) The juror and the appropriate court employee appointed by 525
the court agree to a specified date on which the juror will appear 526
for jury service. The specified date shall be one on which the 527
court is in session and, unless extraordinary circumstances exist, 528
that is not more than six months after the date for which the 529
juror was originally called to serve. If extraordinary 530
circumstances exist, the court may, at the court's discretion, 531
specify a date on which the juror will appear for jury service 532
that is more than six months after the date for which the juror 533
was originally called to serve. 534

(B) The court of common pleas of a county or the judge of the 535
court of common pleas of a county may grant a second or subsequent 536
postponement of jury service to a juror only in the event of an 537
extreme emergency, such as a death in the juror's family, a sudden 538
illness of the juror, or a natural disaster or national emergency 539
in which the juror is personally involved, that could not have 540
been anticipated at the time the initial postponement was granted. 541
Before receiving a second or subsequent postponement, the juror 542
shall agree to a specified date on which the juror will appear for 543
jury service. The specified date shall be one on which the court 544
is in session and that is not more than six months after the date 545

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

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ordered by adding the names of the jurors so excused to the names 577
then drawn. 578

Sec. 2313.16. (A) Except as provided by section 2313.13 of 579
the Revised Code, the court of common pleas shall not excuse a 580
person who is liable to serve as a juror and who is drawn and 581
notified, unless it is shown to the satisfaction of the judge by 582
either the juror or another person acquainted with the facts that 583
one or more of the following applies: 584

~~(A) The juror is then necessarily absent from the county and 585
will not return in time to serve. 586~~

~~(B)(1) The interests of the public or of the juror will be 587
materially injured by the juror's attendance. 588~~

~~(C) The juror is physically unable to serve. 589~~

~~(D)(2) The juror's spouse or a near relative of the juror or 590
the juror's spouse has recently died or is dangerously ill. 591~~

~~(E) The juror had been called as a juror for trial in a court 592
of record in the county within the same jury year. 593~~

~~(F)(3) The juror is a cloistered member of a religious 594
organization. 595~~

(4) The prospective juror has a mental or physical condition 596
that causes the prospective juror to be incapable of performing 597
jury service. The prospective juror, or the prospective juror's 598
personal representative, must provide the court with documentation 599
from a physician licensed to practice medicine verifying that a 600
mental or physical condition renders the prospective juror unfit 601
for jury service for a period of up to twenty-four months. 602

(5) Jury service would otherwise cause undue or extreme 603
physical or financial hardship to the prospective juror or a 604
person under the care or supervision of the prospective juror. A 605
judge of the court for which the prospective juror was called to 606

jury service shall make undue or extreme physical or financial
hardship determinations. The judge may delegate the authority to
make these determinations to an appropriate court employee
appointed by the court. 607
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(6) The juror is over seventy-five years of age, and the
juror requests to be excused. 611
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(7) The prospective juror is an active member of a recognized
amish sect and requests to be excused because of the prospective
juror's sincere belief that as a result of that membership the
prospective juror cannot pass judgment in a judicial matter. 613
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(B)(1) A prospective juror who requests to be excused from
jury service under this section shall take all actions necessary
to obtain a ruling on that request by not later than the date on
which the prospective juror is scheduled to appear for jury duty. 617
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(2) A prospective juror who requests to be excused as
provided in division (A)(6) of this section shall inform the
appropriate court employee appointed by the court of the
prospective juror's request to be so excused by not later than the
date on which the prospective juror is scheduled to appear for
jury duty. The prospective juror shall inform that court employee
of the request to be so excused by appearing in person before the
employee or contacting the employee by telephone, in writing, or
by electronic mail. 621
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(C)(1) For purposes of this section, undue or extreme
physical or financial hardship is limited to circumstances in
which any of the following apply: 630
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(a) The prospective juror would be required to abandon a
person under the prospective juror's personal care or supervision
due to the impossibility of obtaining an appropriate substitute
caregiver during the period of participation in the jury pool or
on the jury. 633
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(b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support. 638
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(c) The prospective juror would suffer physical hardship that would result in illness or disease. 642
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(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. 644
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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 that the judge finds to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused. 648
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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, including whether or not it is a permanent 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. 654
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Sec. 2313.18. (A) No employer shall discharge ~~or~~, threaten to 667

discharge, or take any disciplinary action that could lead to the 668
discharge of any permanent employee who is summoned to serve as a 669
juror pursuant to Chapter 2313. of the Revised Code if the 670
employee gives reasonable notice to the employer of the summons 671
prior to the commencement of the employee's service as a juror and 672
if the employee is absent from employment because of the actual 673
jury service. 674

(B) No employer shall require or request an employee to use 675
annual, vacation, or sick leave for time spent responding to a 676
summons for jury duty, time spent participating in the jury 677
selection process, or for time spent actually serving on a jury. 678
Nothing in this division requires an employer to provide annual, 679
vacation, or sick leave to employees under the provisions of this 680
section who otherwise are not entitled to those benefits under the 681
employer's policies. 682

(C) A court shall automatically postpone and reschedule the 683
service of a summoned juror of an employer with twenty-five or 684
fewer full-time employees, or their equivalent, if another 685
employee of that employer has previously been summoned to appear 686
during the same term or part of a term of that court for which 687
that juror has been summoned and if that employer or employee 688
demonstrates to the sufficiency of the court that the other 689
employee has been so summoned. A postponement under this division 690
does not constitute the excused individual's right to one 691
automatic postponement pursuant to section 2313.13 of the Revised 692
Code. 693

(D) Whoever violates this section shall be punished as for a 694
contempt of court pursuant to Chapter 2705. of the Revised Code. 695

Sec. 2313.25. (A) The clerk of the court of common pleas 696
shall deliver to the sheriff venires containing the names and 697
addresses of the jurors drawn, and specifying when the jurors 698

shall appear. The sheriff shall notify each juror named ~~therein in~~ 699
~~the venires~~ to attend, ~~in person or electronically, as specified~~ 700
~~in division (B) of this section,~~ the term or part of a term for 701
which ~~he the juror~~ was drawn, by serving upon ~~him, the juror~~ at 702
least six days before the commencement ~~thereof, of the term or~~ 703
~~part of a term~~ a notice addressed to ~~him, the juror~~ stating that 704
~~he the juror~~ has been drawn as a juror for, and is required to 705
attend, ~~in person or electronically, as specified in division (B)~~ 706
~~of this section,~~ the term or part of a term specified in the 707
notice. ~~Such~~ The sheriff shall serve the notice ~~may be served~~ 708
personally, by mail, or by leaving it at the juror's residence, ~~or~~ 709
at ~~his the juror's~~ usual place of business. Before the 710
commencement of a term, ~~or part of a term,~~ the sheriff shall 711
return the venires for that term or part of a term, with ~~his the~~ 712
~~sheriff's~~ services thereon, and ~~such the~~ return and service shall 713
be presumptive evidence of the fact of such service. 714

(B) If pursuant to section 2313.251 of the Revised Code, the 715
commissioners of jurors establish a procedure for the electronic 716
notification of a person who has been drawn as a juror, the notice 717
addressed to the juror and served pursuant to division (A) of this 718
section shall specify the procedure for electronically notifying 719
the juror. 720

Sec. 2313.251. The commissioners of jurors may establish an 721
electronic notification system to allow a person who has been 722
drawn as a juror to be notified electronically that the juror 723
shall attend in person the term or part of the term specified in 724
the notice. The types of electronic notification include, but are 725
not limited to, cellular telephone, pager, or other forms of 726
telecommunication. If the commissioners of jurors establish an 727
electronic notification system, the commissioners shall establish 728
a procedure for implementing the system, a procedure for the juror 729
to select the method of electronic notification that is applicable 730

to the juror, and a procedure for the juror to opt in or opt out 731
of the electronic notification system, whichever is applicable. 732

Sec. 2313.26. At any time, during the term of a court of 733
record, the court may order an additional number of jurors to be 734
drawn by the commissioners of jurors for the term, or for part of 735
a term, at which the order is made, or for immediate service in a 736
particular case. The order shall specify the number to be drawn, 737
and the time of drawing. The drawing may be made either in open 738
court, under the direction of the judge, or in the ordinary manner 739
prescribed in sections 2313.01 to 2313.46, inclusive, of the 740
Revised Code, except that notice of the drawing is not required to 741
be given, provided that the required officers are present. The 742
sheriff shall forthwith notify the jurors so drawn, in the same 743
manner as other jurors are notified, to attend the term, or part 744
of a term, in person or electronically, as specified in section 745
2313.25 of the Revised Code, at the time specified in the order, 746
and make due and proper return of the venires with ~~his~~ the 747
sheriff's service thereon. Such return shall be presumptive 748
evidence of the fact of such service. 749

Sections 2313.24 and 2313.25 of the Revised Code apply to the 750
notification of jurors drawn under this section. 751

Sec. 2313.30. ~~When a~~ No person whose name is drawn and who is 752
notified, ~~fails~~ shall fail to attend and serve as a juror at a 753
term of a court of record, without having been excused, ~~the court,~~ 754
~~besides imposing a fine as prescribed in section 2313.29 of the~~ 755
~~Revised Code, may direct the sheriff to arrest him and bring him~~ 756
~~before the court; and when he has been so brought in, it may~~ 757
~~compel him to serve, or it may punish him as for contempt of~~ 758
~~court.~~ 759

Sec. 2313.34. (A) A person who is summoned as a juror and who 760

has actually served as a juror in any county of the state under 761
sections 2313.01 to 2313.46 of the Revised Code for ~~three~~ two 762
consecutive calendar weeks shall be discharged by the court, 763
except that the person shall not be so discharged until the close 764
of a trial in which the person may be serving when the person's 765
jury term expires. 766

(B)(1) The board of county commissioners by resolution shall 767
fix the compensation of each juror, ~~not to exceed forty dollars~~ 768
~~for each day's attendance,~~ payable out of the county treasury. 769

(2) After ten days of actual service, except as otherwise 770
authorized by division (B)(2) of this section, the compensation of 771
a juror shall be fixed for each additional day of actual service 772
at an amount equal to the greater of fifteen dollars or one and 773
one-half times the compensation fixed pursuant to division (B)(1) 774
of this section. The board of county commissioners by resolution 775
may set the compensation at a greater amount that shall not exceed 776
two times the compensation fixed pursuant to division (B)(1) of 777
this section. 778

(3) Residents of townships that are comprised entirely of 779
islands shall be reimbursed for the additional transportation 780
costs they incur to serve as a juror, in the amount certified to 781
be due by a judge of the court in which the jury service is 782
performed. 783

(C) A person who is discharged as prescribed in this section 784
is thereafter prohibited from jury service in any court of the 785
state until the second jury year after the day of the person's 786
last service, except in counties of less than one hundred thousand 787
population, in which cases the court shall make rules in the 788
county applicable to subsequent jury service by persons of that 789
nature. 790

(D) Whenever the certificates of the clerk of the court of 791

common pleas show that a person is entitled to a discharge as 792
prescribed in this section, the commissioners of jurors, upon 793
request, shall certify to that fact. No person shall be exempted 794
from jury service for any reason, but a person may be excused from 795
jury service or have the person's jury service postponed in 796
accordance with sections 2313.01 to 2313.46 of the Revised Code 797
and the general statutes of the state. 798

(E) No person shall be exempted or excused from jury service 799
or be granted a postponement of jury service by reason of any 800
financial contribution to any public or private organization. 801

Sec. 2313.99. (A) Whoever violates section 2313.10, 2313.11, 802
2313.29, or 2313.30 of the Revised Code may be fined not less than 803
~~twenty five~~ one hundred nor more than two hundred fifty dollars 804
and may be punished as for contempt of court. 805

(B) Whoever violates section 2313.47 of the Revised Code 806
shall be fined not less than fifty nor more than five hundred 807
dollars, imprisoned not less than thirty nor more than ninety 808
days, or both. 809

Sec. 2335.28. (A) Except as provided in ~~divisions~~ division 810
(B) ~~and (E)~~ of this section, in any civil action in a court of 811
common pleas in which a jury is sworn, the fees of the jurors 812
sworn shall be taxed as costs unless the court determines that the 813
payment of the fees by a party against whom they are proposed to 814
be taxed would cause significant financial hardship to that party 815
or would not be in the interest of justice. 816

(B) If a civil action in a court of common pleas is settled 817
after jurors are sworn, the fees of the jurors sworn shall be paid 818
in accordance with the settlement agreement. If the agreement does 819
not provide for the payment of the fees, the court shall order 820
that the fees be paid by any party, allocated among the parties, 821

or paid by the county. In making this determination, the court shall consider whether the payment of the fees by a party against whom they are proposed to be taxed would cause significant financial hardship to that party or would not be in the interest of justice.

(C) Upon receipt of fees taxed as costs under division (A) or (B) of this section or paid in accordance with a settlement agreement, the clerk of the court shall pay the fees to the county treasurer to be deposited in the county treasury.

(D) If any juror serves on more than one jury on the same day, the court shall tax ~~his~~ the juror's jury fees for that day as costs equally among the parties who are required to pay the fees under this section either as determined by the court or pursuant to a settlement agreement.

(E) Jury fees shall be taxed as costs pursuant to this section for each day or part of a day that a sworn juror serves, ~~up to a maximum of four days or parts thereof.~~

Sec. 2945.28. (A) In criminal cases jurors and the jury shall take the following oath to be administered by the trial court or the clerk of the court of common pleas, and the jurors shall respond to the oath "I do swear" or "I do affirm": "You shall well and truly try, and true deliverance make between the State of Ohio and the defendant (giving his name). Do you swear or affirm that you will diligently inquire into and carefully deliberate all matters between the State of Ohio and the defendant (giving the defendant's name)? Do you swear or affirm you will do this to the best of your skill and understanding, without bias or prejudice? So help you God."

A juror shall be allowed to make affirmation and the words "this you do as you shall answer under the pains and penalties of

perjury" shall be substituted for the words, "So help you God." 852

(B) If, on or after the effective date of this amendment, a 853
court that impanels a jury in a criminal case uses the oath that 854
was in effect prior to the effective date of this amendment 855
instead of the oath set forth in division (A) of this section, the 856
court's use of the former oath does not invalidate or affect the 857
validity of the impanelment of the jury or any action taken by the 858
jury. 859

Sec. 2947.23. (A)(1) In all criminal cases, including 860
violations of ordinances, the judge or magistrate shall include in 861
the sentence the costs of prosecution and render a judgment 862
against the defendant for such costs. At the time the judge or 863
magistrate imposes sentence, the judge or magistrate shall notify 864
the defendant of both of the following: 865

(a) If the defendant fails to pay that judgment or fails to 866
timely make payments towards that judgment under a payment 867
schedule approved by the court, the court may order the defendant 868
to perform community service in an amount of not more than forty 869
hours per month until the judgment is paid or until the court is 870
satisfied that the defendant is in compliance with the approved 871
payment schedule. 872

(b) If the court orders the defendant to perform the 873
community service, the defendant will receive credit upon the 874
judgment at the specified hourly credit rate per hour of community 875
service performed, and each hour of community service performed 876
will reduce the judgment by that amount. 877

(2) The following shall apply in all criminal cases: 878

(a) If a jury has been sworn at the trial of a case, the fees 879
of the jurors shall be included in the costs, which shall be paid 880
to the public treasury from which the jurors were paid. 881

(b) If a jury has not been sworn at the trial of a case 882
because of a defendant's failure to appear without good cause, the 883
costs incurred in summoning jurors for that particular trial may 884
be included in the costs of prosecution. If the costs incurred in 885
summoning jurors are assessed against the defendant, those costs 886
shall be paid to the public treasury from which the jurors were 887
paid. 888

(B) If a judge or magistrate has reason to believe that a 889
defendant has failed to pay the judgment described in division (A) 890
of this section or has failed to timely make payments towards that 891
judgment under a payment schedule approved by the judge or 892
magistrate, the judge or magistrate shall hold a hearing to 893
determine whether to order the offender to perform community 894
service for that failure. The judge or magistrate shall notify 895
both the defendant and the prosecuting attorney of the place, 896
time, and date of the hearing and shall give each an opportunity 897
to present evidence. If, after the hearing, the judge or 898
magistrate determines that the defendant has failed to pay the 899
judgment or to timely make payments under the payment schedule and 900
that imposition of community service for the failure is 901
appropriate, the judge or magistrate may order the offender to 902
perform community service in an amount of not more than forty 903
hours per month until the judgment is paid or until the judge or 904
magistrate is satisfied that the offender is in compliance with 905
the approved payment schedule. If the judge or magistrate orders 906
the defendant to perform community service under this division, 907
the defendant shall receive credit upon the judgment at the 908
specified hourly credit rate per hour of community service 909
performed, and each hour of community service performed shall 910
reduce the judgment by that amount. Except for the credit and 911
reduction provided in this division, ordering an offender to 912
perform community service under this division does not lessen the 913

amount of the judgment and does not preclude the state from taking 914
any other action to execute the judgment. 915

(C) As used in this section, "specified hourly credit rate" 916
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 917
under the federal Fair Labor Standards Act of 1938, that then is 918
in effect, and that an employer subject to that provision must pay 919
per hour to each of the employer's employees who is subject to 920
that provision. 921

Section 2. That existing sections 1901.141, 2301.02, 2313.08, 922
2313.10, 2313.11, 2313.12, 2313.13, 2313.15, 2313.16, 2313.18, 923
2313.25, 2313.26, 2313.30, 2313.34, 2313.99, 2335.28, 2945.28, and 924
2947.23 of the Revised Code are hereby repealed. 925