

As Reported by the Senate Civil Justice Committee

125th General Assembly

Regular Session

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Sub. S. B. No. 71

Senators Goodman, Harris, Amstutz, Fingerhut, Blessing

A B I L L

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

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

Section 1. That sections 2313.08, 2313.10, 2313.11, 2313.12, 20
2313.13, 2313.15, 2313.16, 2313.18, 2313.25, 2313.26, 2313.30, 21

2313.34, 2313.99, and 2945.28 be amended and section 2313.251 of 22
the Revised Code be enacted to read as follows: 23

Sec. 2313.08. (A) The jury year in each county shall begin on 24
the first Monday of August of each year, provided the court of 25
common pleas may designate otherwise. A new and complete jury list 26
shall be made up annually by the commissioners of jurors, and 27
shall be certified by them and filed in their office before the 28
beginning of each jury year. The names shall be entered in a 29
suitable book or record, to be known as the "annual jury list," 30
shall be arranged alphabetically so far as practicable and under 31
convenient divisions by precincts, districts, and townships, and 32
shall be properly indexed. With each name shall be recorded the 33
occupation, place of business, place of residence, duration of 34
residence in this state, citizenship status, date of birth, and 35
social security number of the person, as nearly as they can be 36
ascertained. A duplicate of the list shall be certified by the 37
commissioners and filed in the office of the clerk of the court of 38
common pleas. The commissioners may, by order of the court, add to 39
the list, or enter on a supplementary list, the names of persons 40
who shall thereafter be discovered to be qualified to serve as 41
jurors. 42

(B) In the selection of names for the annual jury list, the 43
commissioners may select all names other than names of persons 44
excused from service permanently pursuant to section 2313.16 of 45
the Revised Code from the list of electors certified by the board 46
of elections pursuant to section 2313.06 of the Revised Code or 47
may select all names other than names of persons excused from 48
service permanently pursuant to section 2313.16 of the Revised 49
Code from the list of qualified driver licensees certified by the 50
registrar of motor vehicles pursuant to section 2313.06 of the 51
Revised Code and from the list of electors certified by the board 52

of elections pursuant to section 2313.06 of the Revised Code. The 53
commissioners may not select for the annual jury list names of 54
persons who are excused from service permanently pursuant to 55
section 2313.16 of the Revised Code. 56

In the selection of the names for the annual jury list, 57
unless otherwise ordered by the court, the commissioners shall 58
assign a consecutive number to each name, starting with one, and 59
shall use a key number that shall be designated by the court. The 60
commissioners shall select the name of each prospective juror, 61
starting with the name that corresponds to a randomly selected 62
number that may range from the number one to the key number, and 63
proceeding accordingly in the numerical sequence of the key number 64
so designated, until the required number of prospective jurors has 65
been selected. 66

(C) Automation data processing procedures and visual display 67
apparatus may be utilized in the selection of the names for the 68
annual jury list, and in the actual compilation of the list. 69

Sec. 2313.10. (A) The commissioners of jurors may serve 70
personally or by mail on any person within the county, a notice 71
requiring ~~him~~ the person to attend before a commissioner at a 72
specified time, not less than five days after service of the 73
notice, for the purpose of testifying concerning ~~his~~ the person's 74
own qualifications or liability, or those of any other person, to 75
serve as a juror. A person so notified must attend and testify 76
accordingly. 77

(B) No prospective juror shall fail to attend as specified in 78
division (A) of this section. 79

Sec. 2313.11. (A) If a prospective juror fails to attend as 80
specified in the notice referred to in section 2313.10 of the 81
Revised Code, ~~for any cause except physical disability, or if he a~~ 82

prospective juror refuses to be sworn, or to answer any legal and 83
pertinent question put to ~~him~~ the prospective juror by a 84
commissioner of jurors, ~~such fact shall be reported by the~~ 85
commissioner shall report that fact to the court ~~and such person~~ 86
~~shall be dealt with as for contempt of court.~~ One or more 87
successive notices may be served upon the same person when ~~he~~ the 88
person fails to attend as required by the former notice ~~and he~~ 89
~~shall be liable to punishment as for contempt of court for each~~ 90
~~failure to attend. A commissioner may dispense with the personal~~ 91
~~attendance of a person so notified, when another person cognizant~~ 92
~~of the facts is produced and testifies in his stead.~~ When a person 93
has so attended twice for examination, ~~he~~ the person cannot be 94
required to attend again in the same jury year. 95

(B) No prospective juror shall fail to answer any legal and 96
pertinent question put to the prospective juror by the court. 97

(C) The court shall inform a prospective juror that the 98
prospective juror has the right to request an in-camera hearing, 99
on the record and with an attorney present, regarding any legal 100
and pertinent question put to the prospective juror by the court. 101

Sec. 2313.12. It is the policy of this state that all 102
qualified citizens have an obligation to serve on petit juries 103
when summoned by the courts of this state unless the citizen is 104
excused as provided in sections 2313.01 to 2313.46 of the Revised 105
Code. The granting of an excuse or postponement to a juror shall 106
be permitted as prescribed by sections 2313.01 to 2313.46 of the 107
Revised Code and the general statutes of the state. The 108
commissioners of jurors, upon request, shall issue to a person who 109
is granted an excuse or postponement a certificate of that fact, 110
and the certificate shall excuse the person to whom it is granted 111
from jury service during the time specified in the certificate or 112
shall postpone the time for jury service of the person to whom it 113

is granted to the time specified in the certificate. The 114
commissioners shall keep a record of all proceedings before them 115
or in their office, of all persons who are granted an excuse or 116
postponement, and of the time of and reasons for the excuse or 117
postponement. 118

Sec. 2313.13. (A) The court of common pleas of a county or 119
the judge of the court of common pleas of a county ~~may discharge,~~ 120
~~for the term of a court or for part of a term of a court, one or~~ 121
~~more jurors summoned for jury duty whose attendance is not~~ 122
~~required for the trial of issues at that term or part of a term.~~ 123

~~(B)(1) The court of common pleas of a county or a judge of~~ 124
~~the court of common pleas of a county may, upon a request made at~~ 125
~~least forty-eight hours before the juror's initial appearance by a~~ 126
~~juror who appears in person or contacts the appropriate court~~ 127
~~employee appointed by the court by telephone, in writing, or by~~ 128
~~electronic mail, shall postpone the whole or a part of a juror's~~ 129
~~time of service on the juror's initial appearance for jury duty,~~ 130
~~after summoning the juror for jury duty, to either if both of the~~ 131
following apply: 132

~~(a) To a later date during the same term of court or part of~~ 133
~~a term of court;~~ 134

~~(b) To a subsequent term of court or part of a term of court~~ 135
~~of the same jury year.~~ 136

~~(2) Each (1) The juror has not previously been granted a~~ 137
~~postponement.~~ 138

(2) The juror and the appropriate court employee appointed by 139
the court agree to a specified date on which the juror will appear 140
for jury service. The specified date shall be one on which the 141
court is in session and unless extraordinary circumstances exist 142
that is not more than three months after the date for which the 143

juror was originally called to serve. If extraordinary 144
circumstances exist, the court may, at the court's discretion, 145
specify a date on which the juror will appear for jury service 146
that is more than three months after the date for which the juror 147
was originally called to serve. 148

(B) The court of common pleas of a county or the judge of the 149
court of common pleas of a county may grant a second or subsequent 150
postponement of jury service to a juror only in the event of an 151
extreme emergency, such as a death in the juror's family, a sudden 152
illness of the juror, or a natural disaster or national emergency 153
in which the juror is personally involved, that could not have 154
been anticipated at the time the initial postponement was granted. 155
Before receiving a second or subsequent postponement, the juror 156
shall agree to a specified date on which the juror will appear for 157
jury service. The specified date shall be one on which the court 158
is in session and that is not more than three months after the 159
date of the postponement. 160

Each juror whose time of service on jury duty is postponed 161
until a specified date may be required to attend the opening of 162
court on that day and on each day after that day until the juror 163
is discharged, without additional summons from the court. 164

(C) The court of common pleas of a county, or a judge of the 165
court of common pleas of a county, may excuse until a specified 166
date one or more jurors summoned for jury duty whose attendance is 167
not required for the trial of issues until that day. Each juror 168
excused until a specified date may be required to attend the 169
opening of court on that day and on each day after that day until 170
the juror is discharged, without additional summons from the 171
court. 172

(D) The court of common pleas of a county or a judge of the 173
court of common pleas of a county may excuse a juror, after 174

summoning the juror for jury duty, from service on jury duty at 175
that term of court for not more than three days at a time, if the 176
exigencies of the juror's business require the juror's temporary 177
excuse. 178

Sec. 2313.15. The commissioners of jurors shall report the 179
names of all jurors granted a postponement or temporarily excused 180
to a subsequent part of a term or to a subsequent term as provided 181
in section 2313.13 of the Revised Code, to the officers attending 182
the drawing of the jurors for that term or part of a term, and 183
each such name shall be placed upon the list of jurors drawn as 184
provided by sections 2313.01 to 2313.46 of the Revised Code. Such 185
juror shall be made one of the total number directed to be drawn 186
for that term or part of a term, and no more names shall be drawn 187
from the jury wheel, or drawn by use of the automation data 188
processing equipment and procedures described in section 2313.07 189
of the Revised Code, than are sufficient to make up the number 190
ordered by adding the names of the jurors so excused to the names 191
then drawn. 192

Sec. 2313.16. (A) Except as provided by section 2313.13 of 193
the Revised Code, the court of common pleas shall not excuse a 194
person who is liable to serve as a juror and who is drawn and 195
notified, unless it is shown to the satisfaction of the judge by 196
either the juror or another person acquainted with the facts that 197
one or more of the following applies: 198

~~(A) The juror is then necessarily absent from the county and 199
will not return in time to serve. 200~~

~~(B)(1) The interests of the public or of the juror will be 201
materially injured by the juror's attendance. 202~~

~~(C) The juror is physically unable to serve. 203~~

~~(D) The juror's spouse or a near relative of the juror or the 204~~

~~juror's spouse has recently died or is dangerously ill.~~ 205

~~(E) The juror had been called as a juror for trial in a court
of record in the county within the same jury year.~~ 206
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~~(F)(2) The juror is a cloistered member of a religious
organization.~~ 208
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(3) The prospective juror has a mental or physical condition
that causes the prospective juror to be incapable of performing
jury service. The prospective juror, or the prospective juror's
personal representative, must provide the court with documentation
from a physician licensed to practice medicine verifying that a
mental or physical condition renders the prospective juror unfit
for jury service for a period of up to twenty-four months. 210
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(4) Jury service would otherwise cause undue or extreme
physical or financial hardship to the prospective juror or a
person under the care or supervision of the prospective juror. A
judge of the court for which the prospective juror was called to
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. 217
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(B) 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. 225
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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: 229
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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 232
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caregiver during the period of participation in the jury pool or 235
on the jury. 236

(b) The prospective juror would incur costs that would have a 237
substantial adverse impact on the payment of the prospective 238
juror's necessary daily living expenses or on those for whom the 239
prospective juror provides the principle means of support. 240

(c) The prospective juror would suffer physical hardship that 241
would result in illness or disease. 242

(2) Undue or extreme physical or financial hardship does not 243
exist solely based on the fact that a prospective juror will be 244
required to be absent from the prospective juror's place of 245
employment. 246

(D) A prospective juror who asks a judge to grant an excuse 247
based on undue or extreme physical or financial hardship shall 248
provide the judge with documentation that the judge finds to 249
clearly support the request to be excused. If a prospective juror 250
fails to provide satisfactory documentation, the court may deny 251
the request to be excused. 252

(E) When a ~~person~~ prospective juror who is liable to serve is 253
excused in a case specified in this section, the prospective juror 254
can be excused only by the judge presiding in the case or a 255
representative of the judge. An excuse, including whether or not 256
it is a permanent excuse, approved pursuant to this section shall 257
not extend beyond that term. Every approved excuse shall be 258
recorded and filed with the commissioners of jurors. After 259
twenty-four months, a person excused from jury service shall 260
become eligible once again for qualification as a juror unless the 261
person was excused from service permanently. A person is excused 262
from jury service permanently only when the deciding judge 263
determines that the underlying grounds for being excused are of a 264
permanent nature. 265

Sec. 2313.18. (A) No employer shall discharge ~~or~~, threaten to 266
discharge, or take any disciplinary action that could lead to the 267
discharge of any permanent employee who is summoned to serve as a 268
juror pursuant to Chapter 2313. of the Revised Code if the 269
employee gives reasonable notice to the employer of the summons 270
prior to the commencement of the employee's service as a juror and 271
if the employee is absent from employment because of the actual 272
jury service. 273

(B) No employer shall require or request an employee to use 274
annual, vacation, or sick leave for time spent responding to a 275
summons for jury duty, time spent participating in the jury 276
selection process, or for time spent actually serving on a jury. 277
Nothing in this division requires an employer to provide annual, 278
vacation, or sick leave to employees under the provisions of this 279
section who otherwise are not entitled to those benefits under the 280
employer's policies. 281

(C) A court shall automatically postpone and reschedule the 282
service of a summoned juror of an employer with twenty-five or 283
fewer full-time employees, or their equivalent, if another 284
employee of that employer has previously been summoned to appear 285
during the same term or part of a term of that court for which 286
that juror has been summoned and if that employer or employee 287
demonstrates to the sufficiency of the court that the other 288
employee has been so summoned. A postponement under this division 289
does not constitute the excused individual's right to one 290
automatic postponement pursuant to section 2313.13 of the Revised 291
Code. 292

(D) Whoever violates this section shall be punished as for a 293
contempt of court pursuant to Chapter 2705. of the Revised Code. 294

Sec. 2313.25. (A) The clerk of the court of common pleas 295

shall deliver to the sheriff venires containing the names and 296
addresses of the jurors drawn, and specifying when the jurors 297
shall appear. The sheriff shall notify each juror named ~~therein~~ in 298
the venires to attend, in person or electronically, as specified 299
in division (B) of this section, the term or part of a term for 300
which ~~he~~ the juror was drawn, by serving upon ~~him,~~ the juror at 301
least six days before the commencement ~~thereof,~~ of the term or 302
part of a term a notice addressed to ~~him,~~ the juror stating that 303
~~he~~ the juror has been drawn as a juror for, and is required to 304
attend, in person or electronically, as specified in division (B) 305
of this section, the term or part of a term specified in the 306
notice. ~~Such~~ The sheriff shall serve the notice ~~may be served~~ 307
personally, by mail, or by leaving it at the juror's residence, or 308
at ~~his~~ the juror's usual place of business. Before the 309
commencement of a term, or part of a term, the sheriff shall 310
return the venires for that term or part of a term, with ~~his~~ the 311
sheriff's services thereon, and ~~such~~ the return and service shall 312
be presumptive evidence of the fact of such service. 313

(B) If pursuant to section 2313.251 of the Revised Code, the 314
commissioners of jurors establish a procedure for the electronic 315
notification of a person who has been drawn as a juror, the notice 316
addressed to the juror and served pursuant to division (A) of this 317
section shall specify the procedure for electronically notifying 318
the juror. 319

Sec. 2313.251. The commissioners of jurors may establish an 320
electronic notification system to allow a person who has been 321
drawn as a juror to be notified electronically that the juror 322
shall attend in person the term or part of the term specified in 323
the notice. The types of electronic notification include, but are 324
not limited to, cellular telephone, pager, or other forms of 325
telecommunication. If the commissioners of jurors establish an 326

electronic notification system, the commissioners shall establish
a procedure for implementing the system, a procedure for the juror
to select the method of electronic notification that is applicable
to the juror, and a procedure for the juror to opt in or opt out
of the electronic notification system, whichever is applicable.

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

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

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

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~~compel him to serve, or it may punish him as for contempt of~~ 357
~~court.~~ 358

Sec. 2313.34. (A) A person who is summoned as a juror and who 359
has actually served as a juror in any county of the state under 360
sections 2313.01 to 2313.46 of the Revised Code for ~~three~~ two 361
consecutive calendar weeks shall be discharged by the court, 362
except that the person shall not be so discharged until the close 363
of a trial in which the person may be serving when the person's 364
jury term expires. 365

(B)(1) The board of county commissioners by resolution shall 366
fix the compensation of each juror, ~~not to exceed forty dollars~~ 367
~~for each day's attendance,~~ payable out of the county treasury. 368

(2) After ten days of actual service, except as otherwise 369
authorized by division (B)(2) of this section, the compensation of 370
a juror shall be fixed for each additional day of actual service 371
at an amount equal to the greater of fifteen dollars or one and 372
one-half times the compensation fixed pursuant to division (B)(1) 373
of this section. The board of county commissioners by resolution 374
may set the compensation at a greater amount that shall not exceed 375
two times the compensation fixed pursuant to division (B)(1) of 376
this section. 377

(3) Residents of townships that are comprised entirely of 378
islands shall be reimbursed for the additional transportation 379
costs they incur to serve as a juror, in the amount certified to 380
be due by a judge of the court in which the jury service is 381
performed. 382

(C) A person who is discharged as prescribed in this section 383
is thereafter prohibited from jury service in any court of the 384
state until the second jury year after the day of the person's 385
last service, except in counties of less than one hundred thousand 386

population, in which cases the court shall make rules in the 387
county applicable to subsequent jury service by persons of that 388
nature. 389

(D) Whenever the certificates of the clerk of the court of 390
common pleas show that a person is entitled to a discharge as 391
prescribed in this section, the commissioners of jurors, upon 392
request, shall certify to that fact. No person shall be exempted 393
from jury service for any reason, but a person may be excused from 394
jury service or have the person's jury service postponed in 395
accordance with sections 2313.01 to 2313.46 of the Revised Code 396
and the general statutes of the state. 397

(E) No person shall be exempted or excused from jury service 398
or be granted a postponement of jury service by reason of any 399
financial contribution to any public or private organization. 400

Sec. 2313.99. (A) Whoever violates section 2313.10, 2313.11, 401
2313.29, or 2313.30 of the Revised Code may be fined not less than 402
~~twenty-five~~ one hundred nor more than two hundred fifty dollars 403
and may be punished as for contempt of court. 404

(B) Whoever violates section 2313.47 of the Revised Code 405
shall be fined not less than fifty nor more than five hundred 406
dollars, imprisoned not less than thirty nor more than ninety 407
days, or both. 408

Sec. 2945.28. In criminal cases jurors and the jury shall 409
take the following oath to be administered by the trial court or 410
the clerk of the court of common pleas, and the jurors shall 411
respond to the oath "I do swear" or "I do affirm": "You shall well 412
and truly try, and true deliverance make between the State of Ohio 413
and the defendant (giving his name). Do you swear or affirm that 414
you will diligently inquire into and carefully deliberate all 415
matters between the State of Ohio and the defendant (giving the 416

defendant's name)? Do you swear or affirm you will do this to the 417
best of your skill and understanding, without bias or prejudice? 418
So help you God." 419

A juror shall be allowed to make affirmation and the words 420
"this you do as you shall answer under the pains and penalties of 421
perjury" shall be substituted for the words, "So help you God." 422

Section 2. That existing sections 2313.08, 2313.10, 2313.11, 423
2313.12, 2313.13, 2313.15, 2313.16, 2313.18, 2313.25, 2313.26, 424
2313.30, 2313.34, 2313.99, and 2945.28 of the Revised Code are 425
hereby repealed. 426