

AN ACT

To amend sections 3.08, 163.10, 311.17, 509.15, 733.73, 733.74, 1901.25, 1907.28, 2101.30, 2311.42, 2313.01, 2313.02, 2313.03, 2313.05, 2313.11, 2313.12, 2313.13, 2313.16, 2313.18, 2313.19, 2313.20, 2313.251, 2313.29, 2313.34, 2313.38, 2313.41, 2313.42, 2313.46, 2313.47, 2313.99, 2335.28, 2938.05, 2938.14, 2939.02, 2939.03, 2945.24, 2947.23, 3314.03, 3326.11, 5155.12, and 5563.05, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2313.05 (2313.04), 2313.11 (2313.18), 2313.13 (2313.15), 2313.16 (2313.14), 2313.18 (2313.19), 2313.19 (2313.07), 2313.20 (2313.08), 2313.251 (2313.10), 2313.29 (2313.20), 2313.34 (2313.22), 2313.38 (2313.11), 2313.41 (2313.16), 2313.42 (2313.17), 2313.46 (2313.24), and 2313.47 (2313.13), to enact new sections 2313.05, 2313.06, 2313.09, 2313.21, and 2313.23, and to repeal sections 2313.04, 2313.06, 2313.07, 2313.08, 2313.09, 2313.10, 2313.14, 2313.15, 2313.21, 2313.22, 2313.23, 2313.24, 2313.25, 2313.26, 2313.30, 2313.32, 2313.33, 2313.35, 2313.36, 2313.37, 2313.39, 2313.40, 2313.43, and 2313.45 of the Revised Code to modernize the language of, to reorganize, and to remove obsolete provisions from the jury service law.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3.08, 163.10, 311.17, 509.15, 733.73, 733.74, 1901.25, 1907.28, 2101.30, 2311.42, 2313.01, 2313.02, 2313.03, 2313.05, 2313.11, 2313.12, 2313.13, 2313.16, 2313.18, 2313.19, 2313.20, 2313.251,

2313.29, 2313.34, 2313.38, 2313.41, 2313.42, 2313.46, 2313.47, 2313.99, 2335.28, 2938.05, 2938.14, 2939.02, 2939.03, 2945.24, 2947.23, 3314.03, 3326.11, 5155.12, and 5563.05 be amended, that sections 2313.05 (2313.04), 2313.11 (2313.18), 2313.13 (2313.15), 2313.16 (2313.14), 2313.18 (2313.19), 2313.19 (2313.07), 2313.20 (2313.08), 2313.251 (2313.10), 2313.29 (2313.20), 2313.34 (2313.22), 2313.38 (2313.11), 2313.41 (2313.16), 2313.42 (2313.17), 2313.46 (2313.24), and 2313.47 (2313.13) be amended for the purpose of adopting new section numbers as indicated in parentheses, and that new sections 2313.05, 2313.06, 2313.09, 2313.21, and 2313.23 of the Revised Code be enacted to read as follows:

Sec. 3.08. Proceedings for the removal of public officers on any of the grounds enumerated in section 3.07 of the Revised Code shall be commenced by the filing of a written or printed complaint specifically setting forth the charge and signed by qualified electors of the state or political subdivision whose officer it is sought to remove, not less in number than fifteen per cent of the total vote cast for governor at the most recent election for the office of governor in the state or political subdivision whose officer it is sought to remove, or, if the officer sought to be removed is the sheriff or prosecuting attorney of a county or the mayor of a municipal corporation, the governor may sign and file such written or printed complaint without the signatures of qualified electors. Such complaint shall be filed with the court of common pleas of the county where the officer against whom the complaint is filed resides, except that when the officer against whom the complaint is filed is a judge of the court of common pleas, such complaint shall be filed in the court of appeals of the district where such judge resides, and all complaints against state officers shall be filed with the court of appeals of the district where the officer against whom the complaint is filed resides. The judge or clerk of the court shall cause a copy of such complaint to be served upon the officer, against whom the complaint has been filed, at least ten days before the hearing upon such complaint. Such hearing shall be had within thirty days from the date of the filing of the complaint by said electors, or by the governor. The court may suspend the officer pending the hearing.

The removal proceedings filed in the court of common pleas shall be tried by a judge unless a jury trial is demanded in writing by the officer against whom the complaint has been filed. If a jury is demanded, it shall be composed of twelve persons who satisfy the qualifications of a juror specified in section ~~2313.42~~ 2313.17 of the Revised Code. If nine or more persons of that jury find one or more of the charges in the complaint are true, such jury shall return a finding for the removal of the officer, which

finding shall be filed with the clerk of the court and be made a matter of public record. If less than nine persons of that jury find that the charges on the complaint are true, the jury shall return a finding that the complaint be dismissed. The proceedings had by a judge upon such removal shall be matters of public record and a full detailed statement of the reasons for such removal shall be filed with the clerk of the court and shall be made a matter of public record.

Sec. 163.10. The assessment of compensation may be made at a regular or special term of court. The jury shall be selected from the jurors drawn as prescribed in ~~sections 2313.19 to 2313.26~~ Chapter 2313, of the Revised Code, and qualified as in civil actions. However, it shall be grounds for challenge for cause if a juror has served in two appropriation trials in the current term of court.

Sec. 311.17. Except as provided in a contract entered into under division (A) of section 3125.141 of the Revised Code, for the services specified in this section, the sheriff shall charge the following fees, which the court or its clerk shall tax in the bill of costs against the judgment debtor or those legally liable therefor for the judgment:

(A) For the service and return of the following writs and orders:

(1) Execution:

(a) When money is paid without levy or when no property is found, thirty dollars;

(b) When levy is made on real property, for the first tract, twenty-five dollars, and for each additional tract, ten dollars;

(c) When levy is made on goods and chattels, including inventory, fifty dollars.

(2) Writ of attachment of property, except for purpose of garnishment, forty dollars;

(3) Writ of attachment for the purpose of garnishment, ten dollars;

(4) Writ of replevin, forty dollars;

(5) Warrant to arrest, for each person named in the writ, twenty dollars;

(6) Attachment for contempt, for each person named in the writ, six dollars;

(7) Writ of possession or restitution, sixty dollars;

(8) Subpoena, for each person named in the writ, in either a civil or criminal case, ten dollars;

~~(9) Venire, for each person named in the writ, in either a civil or criminal case, six dollars;~~

~~(10) Summoning each juror, other than on venire, in either a civil or criminal case, six dollars;~~

~~(11)~~(10) Writ of partition, twenty-five dollars;

~~(12)~~(11) Order of sale on partition, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;

~~(13)~~(12) Other order of sale of real property, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;

~~(14)~~(13) Administering oath to appraisers, three dollars each;

~~(15)~~(14) Furnishing copies for advertisements, one dollar for each hundred words;

~~(16)~~(15) Copy of indictment, for each defendant, five dollars;

~~(17)~~(16) All summons, writs, orders, or notices, for the first name, six dollars, and for each additional name, one dollar.

(B) In addition to the fee for service and return:

(1) On each summons, writ, order, or notice, a fee of two dollars per mile for the first mile, and one dollar per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;

(2) Taking bail bond, three dollars;

(3) Jail fees, as follows:

(a) For receiving a prisoner, five dollars each time a prisoner is received, and for discharging or surrendering a prisoner, five dollars each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.

(b) Taking a prisoner before a judge or court, per day, five dollars;

(c) Calling action, one dollar;

(d) Calling jury, three dollars;

(e) Calling each witness, three dollars;

(f) Bringing prisoner before court on habeas corpus, six dollars.

(4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one and one-half per cent;

(5) Making and executing a deed of land sold on execution, decree, or order of the court, to be paid by the purchaser, fifty dollars.

When any of the services described in division (A) or (B) of this section are rendered by an officer or employee, whose salary or per diem compensation is paid by the county, the applicable legal fees and any other extraordinary expenses, including overtime, provided for the service shall be taxed in the costs in the case and, when collected, shall be paid into the general fund of the county.

The sheriff shall charge the same fees for the execution of process issued in any other state as the sheriff charges for the execution of process

of a substantively similar nature that is issued in this state.

Sec. 509.15. The following fees and expenses shall be taxed as costs, collected from the judgment debtor, and paid to the general fund of the appropriate township or district as compensation due for services rendered by township constables or members of the police force of a township police district or joint police district:

(A) Serving and making return of each of the following:

(1) Order to commit to jail, order on jailer for prisoner, or order of ejection, including copies to complete service, one dollar for each defendant named therein;

(2) Search warrant or warrant of arrest, for each person named in the writ, five dollars;

(3) Writ of attachment of property, except for purpose of garnishment, twenty dollars;

(4) Writ of attachment for the purpose of garnishment, five dollars;

(5) Writ of possession or restitution, twenty dollars;

(6) Attachment for contempt, for each person named in the writ, three dollars;

(7) Writ of replevin, twenty dollars;

(8) Summons and writs, subpoena, ~~venue~~ summons of jurors, and notice to garnishee, including copies to complete service, three dollars for each person named therein;

(9) Execution against property or person, eighty cents, and six per cent of all money thus collected;

(10) Any other writ, order, or notice required by law, for each person named therein, including copies to complete service, three dollars for the first name and fifty cents for each additional name.

(B) Mileage for the distance actually and necessarily traveled in serving and returning any of the preceding writs, orders, and notices, fifty cents for the first mile and for each additional mile, twenty cents;

(C) For attending a criminal case during the trial or hearing and having charge of prisoners, each case, two dollars and fifty cents, but, when so acting, such constable shall not be entitled to a witness fee if called upon to testify;

(D) For attending civil court during a jury trial, each case, two dollars;

(E) For attending civil court during a trial without jury, each case, one dollar and fifty cents;

(F) The actual amount paid solely for the transportation, meals, and lodging of prisoners, and for the moving and storage of goods and the care of animals taken on any legal process, such expense shall be specifically

itemized on the back of the writs and sworn to;

(G) For summoning and swearing appraisers, each case, two dollars;

(H) For advertising property for sale, by posting, taken on any legal process, one dollar;

(I) For taking and making return of any bond required by law, eighty cents.

Notwithstanding anything to the contrary in this section, if any comparable fee or expense specified under section 311.17 of the Revised Code is increased to an amount greater than that set forth in this section, the board of township trustees, board of trustees of the township police district, or joint police district board, as appropriate, may require that the amount taxed as costs under this section equal the amount specified under section 311.17 of the Revised Code.

Sec. 733.73. On the day fixed by the probate judge for the return of the citation issued pursuant to section 733.72 of the Revised Code, the village solicitor or city director of law shall appear on behalf of the complainant to conduct the prosecution, and the accused may also appear by counsel. A time shall be set for hearing the case, which shall be not more than ten days after such return. If a jury is demanded by either party, the probate judge shall direct the summoning of twelve ~~men~~ jurors in the manner provided by ~~sections 2313.19 to 2313.26~~ Chapter 2313. of the Revised Code. In a municipal corporation having no village solicitor or city director of law, or in case the village solicitor or city director of law is accused of any misfeasance or malfeasance in ~~his~~ office, the prosecuting attorney shall appear on behalf of the complainant to conduct the prosecution.

Sec. 733.74. On the day fixed for trial under section 733.73 of the Revised Code, if a jury is impaneled, either party, in addition to the peremptory challenges allowed by law in other cases, may object for good cause to any ~~jurymen~~ juror summoned, and vacancies occurring for any cause may be filled by the probate judge from the bystanders until the panel is full, unless the party charged, or ~~his~~ the party's counsel, demands ~~a special venire that additional jurors be summoned~~ to fill such vacancy.

Sec. 1901.25. A municipal court may provide by rule the manner in which jurors shall be chosen, and may provide that jurors to be used in the court may be chosen and summoned by the jury commissioners of the county as provided in ~~sections 2313.01 to 2313.26~~ Chapter 2313. of the Revised Code. Selection shall be made from residents within the territory and those appearing to reside outside the territory shall be returned to the ~~annual jury wheel, to the automation data processing storage drawer, or to any other automated data processing information storage device used~~

~~pursuant to division (C) of section 2313.21 of the Revised Code list.~~ Jurors shall be impaneled in the same manner, shall have the same qualifications, and shall be challenged for the same causes, ~~and shall receive the same fees~~ as jurors in the court of common pleas. Each municipal court shall establish the fees of jurors in that court. The fees of jurors in any criminal case involving the violation of state law shall be paid out of the county treasury. The fees of jurors in any criminal case involving a violation of a municipal ordinance shall be paid out of the treasury of the municipal corporation in which the violation occurred.

Sec. 1907.28. A county court may provide, by rule, how jurors shall be chosen, and may provide that jurors to be used in the court may be chosen and summoned by the jury commissioners of the county as provided in Chapter 2313. of the Revised Code. Selection shall be made from residents within the county court district, and, if Chapter 2313. of the Revised Code is followed, those appearing to reside outside the district shall be returned to the annual jury wheel, ~~to the automation data processing storage drawer, or to such other automated data processing information storage device used pursuant to division (C) of section 2313.21 of the Revised Code list.~~

Jurors shall be impaneled in the same manner, shall have the same qualifications, shall be challenged for the same causes, and shall receive the same fees as jurors in the court of common pleas. The fees of jurors in any criminal case that involves a violation of state law shall be paid out of the county treasury, and the fees of jurors in any case that involves a violation of a municipal ordinance shall be paid out of the treasury of the municipal corporation that enacted the ordinance.

Sec. 2101.30. Whenever a jury is required in the probate court, the probate judge shall notify the commissioners of jurors, who shall cause to be drawn from the annual jury wheel, ~~or to be drawn by use of the automation data processing equipment and procedures described in section 2313.07 of the Revised Code,~~ list the names of sixteen ~~persons as jury~~ persons jurors. Additional names may be drawn if required. The clerk of the court of common pleas or one of the clerk's deputies shall make a list of those names in the order drawn and certify the list to the probate court, and the court shall issue a ~~venire summons~~ summons commanding the persons whose names were drawn to appear on the day and at the hour set for trial. The probate court shall deliver the ~~venire summons~~ summons to the sheriff, who shall serve it within five days of delivery and make prompt return of the service.

Sec. 2311.42. In any civil case pending in the court of common pleas of any county, ~~wherein in which~~ the parties ~~thereto~~ are entitled to a trial by jury, if it appears that the board of county commissioners of the county in

which ~~such~~ the action is pending is a party ~~thereto~~ to the action, the court, upon the application of either party, shall certify ~~such~~ that fact to the clerk of ~~such~~ the court of common pleas in any adjoining county, together with the time fixed for the trial of ~~said~~ the case and the number of jurors to be drawn, and shall order ~~such~~ the clerk and commissioners of jurors of that county to draw from the annual jury wheel, ~~or draw by use of the automation data processing equipment and procedures described in section 2313.07 of the Revised Code,~~ list the number of names of persons certified to serve as jurors in the trial of such cases in ~~such other~~ that county. The ~~venire shall be issued to the sheriff or commissioners of jurors of the county from which~~ ~~such~~ the jury is drawn, ~~and shall be served~~ summon the jurors as provided in section ~~2313.25~~ 2313.10 of the Revised Code. ~~Such~~ The persons so drawn and summoned shall, in obedience to ~~such~~ the summons, appear in the court of the county in which ~~such~~ the action is pending to serve as jurors therein, being impaneled and subject to challenge the same as in other civil cases.

Each juror shall receive the greater of the compensation established for jurors in the adjoining county or three dollars for each day of service and mileage, and all costs, including the costs incident to the drawing, issuing, and service of the venire shall be paid from the county treasury in which ~~such~~ the action is pending upon certificate by the clerk of ~~such~~ that county as to the service and mileage of ~~said~~ the jurors, and to the officers performing ~~such~~ those services, upon the certificate of ~~such~~ those officers.

Sec. 2313.01. (A) The judges of the ~~courts~~ general division of the court of common pleas shall appoint two suitable persons, neither of whom shall be an attorney at law nor more than one of whom shall be of the same political party, and either or both of whom may be court employees, to be commissioners of jurors for the county. The appointments shall be made in writing, by the judge or a majority of all the judges in those counties where there is more than one judge, and shall be filed in the office of the clerk of the court of common pleas of the county and entered upon the journal of the court. The commissioners shall hold office at the pleasure of the judges of the court of common pleas in the county of their appointment. The judges may at any time ~~for good cause shown and,~~ by a vote of a majority of all their number, remove any commissioner and appoint a successor. Upon a vacancy occurring in the office of commissioners of jurors, for any cause, the ~~said~~ judges shall, as soon as practicable, in like manner appoint a successor. The successor so appointed shall be of the same political party as the commissioner whose place is to be filled. The

~~The said~~ commissioners shall be officers of the courts of record common pleas in such county ~~and shall attend upon each term of such courts~~

~~for which a jury is drawn.~~

(B) The commissioners may examine under oath any juror called for trial as to that person's qualifications to serve as a juror.

Sec. 2313.02. (A) The commissioners of jurors shall receive compensation fixed by the court of common pleas payable ~~monthly~~ out of the county treasury. They may appoint and remove, with the consent of ~~said~~ the court, expressed in writing, as many deputy commissioners as are necessary to carry out ~~sections 2313.01 to 2313.46, inclusive, Chapter 2313.~~ of the Revised Code. The deputy commissioners shall receive compensation fixed ~~and paid in like manner as that of the commissioners~~ by the court of common pleas payable out of the county treasury. Such compensation may at any time be changed by the ~~said~~ court. ~~The commissioners may, with the consent of said court, expressed in writing, from time to time appoint such clerks and messengers as are necessary. The compensation of such clerks and messengers shall be fixed by the said court, and paid monthly by the county.~~ All appointments made under this section shall be filed in the office of the clerk of the court of common pleas and entered on the journal of the court. ~~All such appointments of deputies, clerks, and messengers shall be made on the basis of ascertained merit and fitness alone, in accordance with rules prescribed by the said court.~~

(B) The commissioners of jurors may, in writing, authorize a deputy to perform any duty or class of duties that a commissioner may perform. The commissioners or any deputy may administer an oath or affirmation in relation to any matter governed by Chapter 2313. of the Revised Code.

Sec. 2313.03. Before entering upon the duties of their office, the commissioners of jurors and any deputy commissioners shall take and subscribe to the following oath of office, and file ~~the same~~ it with the clerk of the court of common pleas:

"I do solemnly swear (or affirm) that I will honestly and faithfully discharge the duties of a commissioner of jurors (or deputy commissioner of jurors) without fear or favor; ~~and that I will consent to the selection of no person as juror whom I have been solicited to name as juror or whom I believe to be unfit for that position, or likely to render a partial verdict in any cause in which he may be called as juror;~~ and that I will report to the court the names of any and all persons who, in any manner, seek by request, hint, or suggestion to influence me in the selection of jurors; and this I do as I shall answer to God" (or, "and this I do under the pains and penalties of perjury").

Sec. ~~2313.05~~ 2313.04. The board of county commissioners shall provide a suitable office for the commissioners of jurors on the order of the court of

common pleas; and shall make provision for supplying all such books equipment, stationery, printing, automation data processing punch cards, magnetic tapes, magnetic discs, punched paper tapes, or other similar devices for use in an automated information retrieval system postage, advertisement expenses, computer software, and advertising other supplies as are required necessary for the discharge of proper and convenient conduct of the commissioners in discharging the duties imposed by sections 2313.01 to 2313.46, inclusive, Chapter 2313. of the Revised Code, in like manner as other public officers are supplied.

Sec. 2313.05. The court of common pleas shall establish the date on which the jury year shall begin. The court may divide each jury year into parts.

Sec. 2313.06. (A) The commissioners of jurors shall compile a new and complete jury source list annually in accordance with both of the following:

(1) On a date ordered by the court of common pleas, the board of elections for each county shall compile and file with the commissioners of jurors of the county a certified, current list containing the names, addresses, and dates of birth of all the electors of the county shown on the registration lists for the most recent general election. The board of elections shall remove from the list of all electors those electors who have failed to vote at least once during the preceding four consecutive years. The voter list so compiled shall be the current voter list.

(2) On a date ordered by the court of common pleas of any particular county, the registrar of motor vehicles shall compile and file with the commissioners of jurors of each county a certified, current list containing the names, addresses, dates of birth, and citizenship of all residents of the particular county who have been issued, on or after January 1, 1984, a commercial driver's license pursuant to Chapter 4506. or a driver's license or identification card pursuant to Chapter 4507. of the Revised Code that is valid and current on the date of the compilation of the list, who are or will be eighteen years of age or older as of the day of the general election of the year in which the list is filed, and who, regardless of whether they actually are registered to vote, would be electors if they were registered to vote.

(B) In compiling the annual jury source list, the commissioners, unless otherwise ordered by the court of common pleas, shall include all names from the current voter list and may include all names for the certified, current list of all names provided to the commissioners from the registrar of motor vehicles; provided that, upon merging the lists, any duplication shall be eliminated. The commissioners shall exclude from the annual jury source list the names of any jurors permanently excused under section 2313.14 of

the Revised Code and the names of any jurors discharged under section 2313.21 of the Revised Code.

(C) The annual jury source list so compiled shall be certified by the commissioners 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 source list," and shall be arranged alphabetically. With each name shall be recorded the place of residence, date of birth, and citizenship 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.

(D) The commissioners may, by order of the court, supplement the annual jury source list with the names of persons who, after the list has been filed, are discovered to be qualified to serve as jurors. The commissioners shall certify any supplemental jury source list and file it in their office and in the office of the clerk of the court of common pleas. Any supplemental jury source list shall be added to the annual jury source list, and the supplemented annual jury source list shall be used for the rest of the jury year.

~~Sec. 2313.19~~ 2313.07. (A) ~~The number of jurors to be drawn for each term the jury year, and each separate part of a term jury year, or for any special term of a court of record, at which issues of facts are triable by jury, shall be fixed by a general order of the court, for which such jurors are drawn. If it is not so fixed, then the same shall be fixed by a written order made by the judge appointed to hold the same, or in case of his absence or inability to act, by another judge of the court. The order shall be filed in the office of the clerk of the court for which the jurors are to be drawn. If the number has not been fixed at the time of the drawing, the commissioners of jurors shall draw such fix a number from the jury wheel, or by use of the automation data processing equipment and procedures described in section 2313.07 of the Revised Code, as they deem determine necessary for the business of the court for such term, jury year or for such part of a term, if the term consists of two or more separate parts jury year.~~

(B) At any time during the jury year, the court may order an additional number of jurors to be drawn by the commissioners of jurors for the jury year or for a part of a jury year at which the order is made or for immediate service in a particular case. The order shall specify the number to be drawn.

~~Sec. 2313.20~~ 2313.08. (A) ~~At least six days before the drawing of jurors under section 2313.23~~ 2313.09 of the Revised Code, the commissioners of jurors shall publish notice of the drawing; in at least one newspaper of general circulation in the county. They shall also serve written notice upon

~~the clerk of the court of common pleas, the sheriff, and at least one judge of the court of common pleas of the county. If all of the persons, or their designated representatives, required do not attend the drawing, the commissioners shall adjourn the drawing to another day. Thereupon the commissioners shall forthwith serve written notice upon the absent officers to attend upon the adjourned day, and the officer failing to attend upon the adjourned day himself or by his deputy or other designated representative shall forfeit one hundred dollars to the state, and the prosecuting attorney shall collect the amount by civil action.~~

~~In case of the absence of the clerk or his deputy or other designated representative upon the adjourned day, the probate judge or his designated representative shall attend the drawing in his stead, and in case of the absence of the sheriff, or his deputy or other designated representative, the prosecuting attorney, or one of his assistants or other designated representative shall attend the drawing in his stead.~~

(B) All drawings of jurors shall be public on a day designated by the commissioners of jurors. A commissioner or a designated deputy commissioner, a judge of the court of common pleas or the judge's designated representative, and the clerk of the court of common pleas or the clerk's deputy or other designated representative shall attend at the office of the commissioners to supervise the jury list selection process.

Sec. 2313.09. (A) To conduct a drawing of jurors, the commissioners of jurors may use any manual, electronic, or automated method that provides each person on the annual or supplemental jury source list with an equal, random probability of selection. The commissioners shall document the method used. The list drawn shall be the annual jury list or supplemental annual jury list.

(B) The commissioners shall certify and file in their office the annual jury list or supplemental annual jury list. The commissioners shall enter the names on the list alphabetically in a suitable book or record to be known as the annual jury list or supplemental annual jury list and record with each name the person's place of residence, date of birth, and citizenship, as nearly as they can be ascertained. The commissioners shall certify and file in the office of the clerk of the court of common pleas a duplicate of the list.

Sec. ~~2313.251~~ 2313.10. ~~The~~ (A) The commissioners of jurors may send to a juror whose name is drawn a printed notice informing the juror that the juror has been drawn for jury duty and will be summoned by the sheriff or commissioners of jurors. The notice may contain copies of the portions of Chapter 2313. of the Revised Code that the commissioners consider advisable.

(B) The commissioners of jurors may establish an electronic notification system to allow a person who has been drawn as a juror to be notified electronically that the juror shall attend in person the ~~term~~ jury year or part of the ~~term~~ jury year specified in the notice. The types of electronic notification include, but are not limited to, cellular telephone, pager, e-mail, or other forms of telecommunication. If the commissioners of jurors establish an 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.

(C) If under division (B) of this section the commissioners of jurors establish a procedure for the electronic notification of a person who has been drawn as a juror, the notice addressed to the juror and served pursuant to division (B) of this section shall specify the procedure for electronically notifying the juror.

(D) The sheriff, commissioners of jurors, or clerk of the court of common pleas shall summon each juror to attend in person or electronically the jury year, part of a jury year, or specified date within a part of the jury year for which the juror was drawn by serving upon the juror at least six days before the commencement of the jury year, part of a jury year, or specified date within a part of the jury year a summons addressed to the juror stating that the juror has been drawn and is required to attend in person the jury year, part of a jury year, or specified date within a part of the jury year specified in the notice. The jury commissioners or sheriff shall serve the summons by mail or by leaving it at the juror's residence or usual place of business.

(E) When the sheriff is interested in a cause in any court of record, only the jury commissioners shall summon the jurors.

Sec. ~~2313.38~~ 2313.11. (A) When, by reason of challenge or other cause, enough jurors to make up the panel, either of the grand or petit jury, are not present, or if the array is set aside, upon order of the court the sheriff or commissioners of jurors shall immediately summon ~~talesmen until the deficiency is made up.~~ If the number for a grand jury is insufficient, the court may issue a special venire to the sheriff commanding him to summon the persons named therein to attend forthwith as grand jurors as many persons having the qualifications of a juror as, in the opinion of the court, are necessary. The summoned jurors shall appear forthwith or at such times as the court fixes.

(B) No person known to be in or about the courthouse shall be

summoned without the consent of both parties.

Sec. 2313.12. It is the policy of this state that ~~all every~~ qualified citizens ~~have~~ citizen has an obligation to serve on petit juries when summoned by the courts of this state unless the citizen is excused as provided in ~~sections 2313.01 to 2313.46~~ Chapter 2313, of the Revised Code. ~~The granting of an excuse or postponement to a juror shall be permitted as prescribed by sections 2313.01 to 2313.46 of the Revised Code and the general statutes of the state. The commissioners of jurors, upon request, shall issue to a person who is granted an excuse or postponement a certificate of that fact, and the certificate shall excuse the person to whom it is granted from jury service during the time specified in the certificate or shall postpone the time for jury service of the person to whom it is granted to the time specified in the certificate. The commissioners shall keep a record of all proceedings before them or in their office, of all persons who are granted an excuse or postponement, and of the time of and reasons for the excuse or postponement.~~

Sec. ~~2313.47~~ 2313.13. No officer or other person charged with a duty in ~~selecting compiling the jury source list or the annual jury list~~ or summoning jurors shall exclude or fail to summon a citizen as a grand or petit juror on account of ~~his~~ race or color, provided such citizen possesses all other qualifications required by law for jurors.

Sec. ~~2313.16~~ 2313.14. (A) Except as provided by section ~~2313.13~~ 2313.15 of the Revised Code, the court of common pleas ~~or the commissioners of jurors~~ shall not excuse a person who is liable to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the judge ~~or commissioners~~ by either the juror or another person acquainted with the facts that one or more of the following applies:

(1) The interests of the public will be materially injured by the juror's attendance.

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

(3) The juror is a cloistered member of a religious organization.

(4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. ~~The court or commissioners may require the prospective juror, or the prospective juror's personal representative, must to~~ 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 ~~the remainder of the jury year~~.

(5) 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.

(6) The juror is over seventy-five years of age, and the juror requests to be excused.

(7) The prospective juror is an active member of a recognized ~~amish~~ 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.

(8) The prospective juror is on active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(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.

(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.

(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:

(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.

(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.

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

(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.

(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.

~~(E) When a 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 or not, approved pursuant to this section shall not extend beyond that term jury year. 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.~~

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

(G) The commissioners shall keep a record of all proceedings before them or in their office, of all persons who are granted an excuse or postponement, and of the time of and reasons for each excuse.

~~Sec. 2313.13 2313.15. (A) The court of common pleas of a county or the judge of the court of common pleas of a county, upon a A juror may request made at least two business days before the juror's initial appearance by a juror who appears in person or contacts the appropriate court employee appointed by the court by telephone, in writing, or by electronic mail, shall postpone and the judge of the court of common pleas of a county, the commissioners of jurors, or the appropriate court employee shall grant, a postponement of the juror's initial appearance for jury duty if both of the following apply:~~

~~(1) The juror has not previously been granted a postponement.~~

~~(2) The juror and the appropriate court employee appointed by the court 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, unless extraordinary circumstances exist, that is within the jury year and not more than six months after the date for which the juror was originally called to~~

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

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

~~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.~~

(C) After a juror appears for jury duty, the court of common pleas of a county may postpone the juror's service 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.

(D) 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.

~~(D)~~(E) 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 shall automatically postpone and reschedule to a mutually agreeable date not more than six months from the date of the summons the service of a summoned juror of an employer with twenty-five or fewer full-time employees, or their equivalent, if another employee of the employer has previously been summoned to appear and served as a juror within thirty days prior to the date on which that juror has been summoned and if that employee or employee demonstrates to the satisfaction of the

court that the other employee was so summoned and did serve and that the employer has twenty-five or fewer full-time employees or their equivalent.

~~Sec. 2313.41~~ 2313.16. A challenge to the array may be made ~~and the~~ by any party. The whole array may be set aside by the court when the jury, grand or petit, was not selected, drawn, or summoned, or when the officer who executed the venire did not proceed as prescribed by law. No challenge to the array shall be made or the whole array set aside by the court, by reason of the misnomer of a juror; but on challenge, a juror may be set aside by reason of a misnomer in his name; but such challenge shall only be made before the jury is impaneled and sworn, and no as required by Chapter 2313. of the Revised Code or if any group protected by section 2313.13 of the Revised Code is systematically excluded from the jury selection process. No indictment shall be quashed or verdict set aside for any such irregularity or misnomer in the selection of jurors if the jurors who formed the same possessed the requisite qualifications to act as jurors.

~~Sec. 2313.42~~ 2313.17. (A) Any person called as a juror for the trial of any cause shall be examined under oath or upon affirmation as to ~~his~~ the person's qualifications. ~~A person is qualified to serve as a juror if he is an elector of the county and has been certified by the board of elections pursuant to section 2313.06 of the Revised Code. A person also is qualified to serve as a juror if he~~ the person is eighteen years of age or older, is a resident of the county, and is an elector or would be an elector if he the person were registered to vote, regardless of whether ~~he~~ the person actually is registered to vote, ~~and has been certified by the registrar of motor vehicles pursuant to section 2313.06 of the Revised Code or otherwise as having a valid and current driver's or commercial driver's license.~~

(B) The following are good causes for challenge to any person called as a juror:

~~(A)~~(1) That ~~he~~ the person has been convicted of a crime ~~which~~ that by law renders ~~him~~ the person disqualified to serve on a jury;

~~(B)~~(2) That ~~he~~ the person has an interest in the cause;

~~(C)~~(3) That ~~he~~ the person has an action pending between ~~him~~ the person and either party;

~~(D)~~(4) That ~~he~~ the person formerly was a juror in the same cause;

~~(E)~~(5) That ~~he~~ the person is the employer, the employee, or the spouse, parent, son, or daughter of the employer or employee, counselor, agent, steward, or attorney of either party;

~~(F)~~(6) That ~~he~~ the person is subpoenaed in good faith as a witness in the cause;

~~(G)~~(7) That ~~he~~ the person is akin by consanguinity or affinity within the

fourth degree; to either party; or to the attorney of either party;

~~(H)(8)~~ That ~~he~~ the person or ~~his~~ the person's spouse, parent, son, or daughter is a party to another action then pending in any court in which an attorney in the cause then on trial is an attorney, either for or against ~~him~~ any such party to another such action;

~~(I)~~ That ~~he~~, ~~not being a regular juror of the term~~, ~~has already served as a talesman in the trial of any cause, in any court of record in the county within the preceding twelve months~~;

~~(J)(9)~~ That ~~he~~ the person discloses by ~~his~~ the person's answers that ~~he~~ the person cannot be a fair and impartial juror or will not follow the law as given to ~~him~~ the person by the court.

(C) Each challenge listed in division (B) of this section shall be considered as a principal challenge, and its validity tried by the court.

(D) In addition to the causes listed in division (B) of this section, any petit juror may be challenged on suspicion of prejudice against or partiality for either party, or for want of a competent knowledge of the English language, or other cause that may render the juror at the time an unsuitable juror. The validity of the challenge shall be determined by the court and be sustained if the court has any doubt as to the juror's being entirely unbiased.

~~Sec. 2313.14 2313.18. (A) If a prospective juror fails to attend as specified in the notice referred to in section 2313.10 of the Revised Code or a prospective juror refuses to be sworn or to answer any legal and pertinent question put to the prospective juror by a commissioner of jurors, the commissioner shall report that fact to the court. One or more successive notices may be served upon the same person when the person fails to attend as required by the former notice. When a person has so attended twice for examination, the person cannot be required to attend again in the same jury year.~~

~~(B)~~ No prospective juror shall fail to answer any legal and pertinent question put to the prospective juror by the court or commissioners of jurors.

(B) If a prospective juror is required to answer written questions during the voir dire process, the questionnaire shall contain a prominent legend advising the prospective juror that the juror has the right to request and have an in-camera hearing on the record with counsel for the parties present regarding any legitimate privacy interest of the prospective juror.

(C) The court shall inform a prospective juror that if a question put to the prospective juror involves a legitimate privacy interest of that prospective juror the prospective juror has the right to request and have an in-camera hearing; on the record and with an attorney counsel for the parties present, regarding any legal and pertinent to respond to that question put to

~~the prospective juror by the court. The court is not required to hold an in-camera hearing under this division unless the information that is contained in the response to the question put to the prospective juror by the court is requested by any person, and the prospective juror requests that the information should not be released.~~

Sec. ~~2313.18~~ 2313.19. (A) No employer shall discharge, threaten to discharge, or take any disciplinary action that could lead to the discharge of any permanent employee who is summoned to serve as a juror pursuant to Chapter 2313. of the Revised Code if the employee gives reasonable notice to the employer of the summons prior to the commencement of the employee's service as a juror and if the employee is absent from employment because of the actual jury service.

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

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

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

Sec. ~~2313.29~~ 2313.20. No person whose name is drawn and who is notified to attend a term or jury year, part of a term of a court of record jury year, or specified date within a part of a jury year as a juror or who has had the person's jury service postponed shall fail to attend at the time specified in the notice; or from day to day.

~~A fine imposed for the violation of this section under division (A) of section 2313.99 of the Revised Code may be wholly or partly remitted by direction of the judge in open court, before the end of the same term, and upon good cause shown; otherwise it shall not be remitted. Each remission so made by the judge, with the reason for the remission, shall be entered on~~

~~the journal of the court. This section applies to an additional grand juror or a special juror, as well as to the regular petit juror.~~

Sec. 2313.21. (A) A person who is summoned as a juror and who has actually served as a juror in any county of the state under Chapter 2313. of the Revised Code for two consecutive calendar weeks shall be discharged by the court, except that the person shall not be so discharged until the close of a trial in which the person may be serving when the person's jury term expires.

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

(C) Whenever the certificates of the clerk of the court of common pleas show that a person is entitled to a discharge as prescribed in this section, the commissioners of jurors upon request shall certify to that fact. No person shall be exempted from jury service for any reason, but a person may be excused from jury service or have the person's jury service postponed in accordance with Chapter 2313. of the Revised Code and the general statutes of the state.

~~Sec. 2313.34 2313.22. (A) A person who is summoned as a juror and who has actually served as a juror in any county of the state under sections 2313.01 to 2313.46 of the Revised Code for two consecutive calendar weeks shall be discharged by the court, except that the person shall not be so discharged until the close of a trial in which the person may be serving when the person's jury term expires.~~

~~(B)(1)~~ The board of county commissioners by resolution shall fix the compensation of each juror payable out of the county treasury.

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

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

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

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

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

Sec. 2313.23. The court of common pleas of a county by general order filed with the clerk of the court shall determine the retention period for all documents and electronic media filed with the commissioners of jurors in compliance with applicable rules of superintendence for the courts of Ohio.

Sec. 2313.46 2313.24. Sections 2313.01 to 2313.46 and Chapter Chapters 2313. and 2315. of the Revised Code do not contravene or affect any section of the Revised Code relating to jurors in the inferior courts in any county of the state.

Sec. 2313.99. (A) Whoever violates section 2313.10, 2313.11, 2313.29, or 2313.30 2313.18, 2313.19, or 2313.20 of the Revised Code may be fined not less than one hundred nor more than two hundred fifty dollars and may be punished as for contempt of court pursuant to Chapter 2705. of the Revised Code.

(B) Whoever violates section 2313.47 2313.13 of the Revised Code shall be fined not less than fifty nor more than five hundred dollars, imprisoned not less than thirty nor more than ninety days, or both.

(C) Any fine assessed for a contempt against a person summoned or who has qualified as a juror may be collected by execution and shall be paid into the county treasury and disbursed as other fines.

Sec. 2335.28. (A) Except as provided in division (B) of this section, in any civil action in a court of common pleas in which a jury is sworn and a verdict is returned, the fees of the jurors sworn shall be taxed as costs unless the court determines that 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.

(B)(1) If a civil action in a court of common pleas in which a jury has been summoned but not sworn is settled or does not otherwise go forward, the fees of the jurors summoned may be taxed as costs at the discretion of the trial court.

~~(2) If a civil action in a court of common pleas is settled after jurors are sworn, the fees of the jurors sworn shall be paid in accordance with the settlement agreement. If the agreement does not provide for the payment of the fees, the court shall order that the fees be paid by any party, allocated among the parties, 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 of the jurors sworn may be taxed as costs at the discretion of the trial court.~~

(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 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.

Sec. 2938.05. Claim of jury, once made, may be withdrawn by written waiver of jury but in such case the court may, if a jury has been summoned, require accused to pay all costs of mileage and fees of ~~members of the venire~~ summoned jurors for one day's service, notwithstanding the outcome of the case. No withdrawal of claim for jury shall effect any re-transfer of a case, once it has been certified to a court of record.

Sec. 2938.14. ~~Venires for juries~~ Jurors in courts of record inferior to the court of common pleas shall be drawn and summoned in the manner provided in the various acts creating such courts. But no challenge to the array shall be sustained in any case for the reason that some of the ~~venire jurors~~ jurors are not residents of the territory of the court, if it appears that the ~~venire was jurors were~~ regularly drawn and certified by the jury commissioners of county or municipality as the case may be.

Sec. 2939.02. Grand juries shall consist of fifteen persons who satisfy the qualifications of a juror specified in section ~~2313.42~~ 2313.17 of the Revised Code. Persons to serve as grand jurors in the court of common pleas of each county shall be selected from the persons whose names are

contained in the annual jury list ~~and from the ballots deposited in the jury wheel, or in the automation data processing storage drawer, or from the names contained in an automated data processing information storage device as prescribed by sections 2313.07, 2313.08, and 2313.35 of the Revised Code.~~

At the time of the selection of the persons who are to constitute the grand jury, the commissioners of jurors shall randomly draw from the annual jury wheel, ~~or draw by utilizing the automation data processing equipment and procedures described in section 2313.07 of the Revised Code, ballots containing list~~ the names of not less fewer than twenty-five persons. The first fifteen persons whose names are drawn shall constitute the grand jury, if they can be located and served by the sheriff, and if they are not excused by the court or a judge of the court. If any of the first fifteen persons whose names are so drawn are not located or are unable to serve and are for that reason excused by the court or by a judge of the court, whose duty it is to supervise the impaneling of the grand jury, the judge shall then designate the person whose name next appears on the list of persons drawn, to serve in the place of the person not found or excused and shall so continue to substitute the names of the persons drawn in the order in which they were drawn, to fill all vacancies resulting from persons not being found or having been excused by the court or the judge of the court, until the necessary fifteen persons are selected to make up the grand jury. If all of the names appearing on the list of persons drawn are exhausted before the grand jury is complete, the judge shall order the commissioners of jurors to draw such additional names as the judge determines, and shall proceed to fill the vacancies from those names in the order in which they are drawn.

The judge of the court of common pleas may select any person who satisfies the qualifications of a juror and whose name is not included in the annual jury list ~~or on a ballot deposited in the jury wheel or automation data processing storage drawer, or whose name is not contained in an automated data processing information storage device,~~ to preside as foreman foreperson of the grand jury, in which event the grand jury shall consist of the foreman foreperson so selected and fourteen additional grand jurors selected from the annual jury wheel ~~or by use of the automation data processing equipment and procedures in the manner provided in this section list.~~

Sec. 2939.03. A Except for a foreperson selected by the judge of the court of common pleas under section 2939.02 of the Revised Code, a grand jury is drawn and notified by the same persons, from the same jury wheel, automation data processing storage drawer, or automated data processing

~~information storage device, and~~ in the same manner as other jurors are drawn and notified under ~~sections 2939.02 to 2939.04 and 2313.01 to 2313.46~~ Chapter 2313. of the Revised Code. Grand jurors so drawn and notified are not entitled to an exemption for any reason but may be excused from service or have their service postponed for the same reasons and in the same manner as other jurors under ~~those sections~~ that chapter and not otherwise. Grand jurors are subject to the same fines and penalties for nonattendance and otherwise as are other jurors under ~~those sections~~ that chapter. The duties and the powers of courts of common pleas, clerks of courts of common pleas, and commissioners of jurors in regard to grand jurors in all respects are the same as in regard to other jurors.

Sec. 2945.24. In all criminal cases, a jury summoned and impaneled under ~~section 2313.01 to 2313.47~~ Chapter 2313. of the Revised Code shall try the accused.

Sec. 2947.23. (A)(1) In all criminal cases, including violations of ordinances, the judge or magistrate shall include in the sentence the costs of prosecution, including any costs under section 2947.231 of the Revised Code, and render a judgment against the defendant for such costs. At the time the judge or magistrate imposes sentence, the judge or magistrate shall notify the defendant of both of the following:

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

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

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

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

(b) If a jury has not been sworn at the trial of a case because of a defendant's failure to appear without good cause or because the defendant entered a plea of guilty or no contest less than twenty-four hours before the scheduled commencement of the trial, the costs incurred in summoning jurors for that particular trial may be included in the costs of prosecution. If the costs incurred in summoning jurors are assessed against the defendant,

those costs shall be paid to the public treasury from which the jurors were paid.

(B) If a judge or magistrate has reason to believe that a defendant has failed to pay the judgment described in division (A) of this section or has failed to timely make payments towards that judgment under a payment schedule approved by the judge or magistrate, the judge or magistrate shall hold a hearing to determine whether to order the offender to perform community service for that failure. The judge or magistrate shall notify both the defendant and the prosecuting attorney of the place, time, and date of the hearing and shall give each an opportunity to present evidence. If, after the hearing, the judge or magistrate determines that the defendant has failed to pay the judgment or to timely make payments under the payment schedule and that imposition of community service for the failure is appropriate, the judge or magistrate may order the offender to perform community service in an amount of not more than forty hours per month until the judgment is paid or until the judge or magistrate is satisfied that the offender is in compliance with the approved payment schedule. If the judge or magistrate orders the defendant to perform community service under this division, the defendant shall receive credit upon the judgment at the specified hourly credit rate per hour of community service performed, and each hour of community service performed shall reduce the judgment by that amount. Except for the credit and reduction provided in this division, ordering an offender to perform community service under this division does not lessen the amount of the judgment and does not preclude the state from taking any other action to execute the judgment.

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

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission,

the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including the following:

(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by

a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, ~~2313.18~~ 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community

school, will comply with sections 3313.674 and ~~section~~ 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy

regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this

section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems

in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, ~~2313.18~~ 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.88, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 5155.12. Witnesses may be subpoenaed on a hearing under section 5155.09 of the Revised Code. They shall be entitled to receive the same fees and mileage as provided by section 2335.08 of the Revised Code. Such subpoenas may be served by the sheriff or the superintendent or administrator of the county home. The sheriff and the jurors shall receive the same fees and mileage as provided by sections 311.17 and ~~2313.34~~ 2313.22 of the Revised Code.

Sec. 5563.05. If the probate judge or common pleas judge finds that an appeal in a road improvement case has been properly perfected, and that the proceedings are substantially regular, ~~he~~ the judge shall fix a day, not more than twenty days after ~~such~~ the finding, for the trial of the case by jury. ~~Such~~ The jury shall be selected from the jurors drawn as prescribed in ~~sections 2313.19 to 2313.26, inclusive,~~ Chapter 2313. of the Revised Code.

SECTION 2. That existing sections 3.08, 163.10, 311.17, 509.15, 733.73, 733.74, 1901.25, 1907.28, 2101.30, 2311.42, 2313.01, 2313.02, 2313.03, 2313.05, 2313.11, 2313.12, 2313.13, 2313.16, 2313.18, 2313.19, 2313.20, 2313.251, 2313.29, 2313.34, 2313.38, 2313.41, 2313.42, 2313.46, 2313.47, 2313.99, 2335.28, 2938.05, 2938.14, 2939.02, 2939.03, 2945.24, 2947.23, 3314.03, 3326.11, 5155.12, and 5563.05 and sections 2313.04, 2313.06, 2313.07, 2313.08, 2313.09, 2313.10, 2313.14, 2313.15, 2313.21, 2313.22, 2313.23, 2313.24, 2313.25, 2313.26, 2313.30, 2313.32, 2313.33, 2313.35, 2313.36, 2313.37, 2313.39, 2313.40, 2313.43, and 2313.45 of the Revised Code are hereby repealed.

SECTION 3. The amendments by Sub. S.B. 210 of the 128th General Assembly to sections 3314.03 and 3326.11 of the Revised Code that insert "3313.814, 3313.816, 3313.817" into the sections and that are included in sections 3314.03 and 3326.11 of the Revised Code as amended by this act take effect July 1, 2011.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 268

129th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____