(122nd General Assembly)
(Substitute Senate Bill Number 69)

AN ACT

To amend sections 2313.12, 2313.16, 2313.34, 2939.03, and 2939.04 and to repeal sections 737.26 and 5919.20 of the Revised Code to eliminate exemptions from service as a juror and to increase the compensation of jurors and grand jurors.

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

SECTION 1. That sections 2313.12, 2313.16, 2313.34, 2939.03, and 2939.04 of the Revised Code be amended to read as follows:

Sec. 2313.12. The ~~exemptions~~ granting of ~~jurors~~ an excuse or postponement to a juror shall be ~~such~~ permitted as ~~are~~ prescribed by sections 2313.01 to 2313.46~~, inclusive,~~ of the Revised Code~~,~~ and the general statutes of the state. ~~The commissioners of jurors alone shall decide upon their qualifications and exemptions up until the time of notice for service, except as otherwise expressly provided in such sections; but the court may review and decide upon their qualifications and exemptions upon a written application and satisfactory legal proof at any time after they are notified and attend.~~ The commissioners of jurors, upon request, shall issue to a person ~~entitled to~~ who is granted an ~~exemption~~ excuse or postponement a certificate of that fact, ~~which~~ and the certificate shall ~~exempt~~ excuse the person to whom it is granted from jury ~~duty~~ service during the time specified ~~therein~~ 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. ~~Said~~ The commissioners shall keep a record of all proceedings before them or in their office, ~~and~~ of all persons ~~exempted~~ who are granted an excuse or postponement, and of the time of and reasons for ~~such exemptions~~ the excuse or postponement.

Sec. 2313.16. Except as provided by section 2313.13 of the Revised Code, the court of common pleas 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 by either the juror or another person acquainted with the facts~~,~~ that one or more of the following applies:

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

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

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

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

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

(F) THE JUROR IS A CLOISTERED MEMBER OF A RELIGIOUS ORGANIZATION.

When a person who is liable to serve is excused~~,~~ in a case specified in this section, ~~or when a person notified to attend a term as a juror is entitled to and claims an exemption,~~ the juror can be excused only by the judge presiding in the case or a representative of the judge. ~~Such an~~ An excuse approved pursuant to this section shall not extend beyond that term. Every approved excuse shall be recorded and filed with the ~~jury~~ commissioners of jurors.

Sec. 2313.34. (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 three consecutive calendar weeks~~,~~ shall be discharged by the court~~;~~, except that ~~he~~ the person shall not be so discharged until the close of a trial in which ~~he~~ the person may be serving when the ~~said~~ person's jury term expires.

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

(2) After ten days of actual service, EXCEPT AS OTHERWISE AUTHORIZED BY DIVISION (B)(2) OF THIS SECTION, the compensation of a juror shall be fixed ~~at not less than fifteen dollars~~ 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) 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) OF THIS SECTION.

(3) Residents of townships that are comprised entirely of islands shall be

reimbursed for ~~such~~ the additional transportation costs ~~as are incurred~~ they incur to serve as a juror, in ~~such~~ the amount ~~as is~~ certified to be due by a judge of the court in which ~~such~~ 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 ~~his~~ 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 ~~thereto~~ 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 ~~shall~~, upon request, shall certify to that fact. ~~Elected public officers, physicians, attorneys at law, cloistered members of religious organizations, dentists, and every person over seventy years of age are~~ No person shall be exempted from jury service~~. Any person exempted may waive his exemption from jury service for such period of time as he sets forth to the person notifying him of his selection for 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~~, public or private~~.

Sec. 2939.03. 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~~, inclusive,~~ and 2313.01 to 2313.46~~, inclusive,~~ 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 ~~such~~ those sections~~,~~ and not otherwise. ~~They~~ Grand jurors are subject to the same fines and penalties for nonattendance and otherwise as are other jurors under ~~such~~ those sections. The duties and the powers of courts of common pleas ~~and~~, clerks of courts of common pleas, and ~~of the~~ commissioners of jurors in regard to grand jurors~~,~~ in all respects are the same as in regard to other jurors.

Sec. 2939.04. The compensation of grand jurors shall be fixed by resolution of the board of county commissioners, not to exceed ~~ten~~ forty dollars for each day's attendance, payable out of the county treasury. Except

in counties of less than one hundred thousand population according to the last federal census, in which counties the judge of the court of common pleas shall make rules ~~and regulations~~ in ~~his~~ the judge's own county applicable ~~thereto~~ to subsequent grand juror and petit juror service, a person who has served as a grand juror at a term of court is prohibited from serving again, either as a grand juror or petit juror, in that jury year in which the service is rendered~~,~~ or in the next jury year. ~~He~~ The person is entitled to a certificate of ~~exemption~~ excuse or postponement in ~~like~~ the same manner as a petit juror. The court of common pleas may order the drawing of a special jury to sit at any time public business requires it.

SECTION 2. That existing sections 2313.12, 2313.16, 2313.34, 2939.03, and 2939.04 and sections 737.26 and 5919.20 of the Revised Code are hereby repealed.

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Speaker _____ of the House of Representatives.

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President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

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Governor.

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

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Director, Legislative Service Commission.

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

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Secretary of State.

File No. _____ Effective Date _____