

Committees

Vice Chair Criminal Justice,
Higher Education, Primary and
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State Representative Joshua E. Williams
Ohio House of Representatives

Proponent Testimony: House Bill 34
Senate Judiciary Committee

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to offer proponent testimony on House Bill 34.

This bill establishes grounds to excuse breast-feeding mothers from jury service. This will remove a barrier that forces a mother to choose between her obligations to her nursing child and her duty to serve on a jury. No mother should be forced to make that decision. In my profession as a practicing criminal defense attorney I have not only heard about cases where this issue was raised during jury selection, but I have also personally witnessed it.

In 2016, while serving as a trial assistant for my law firm, I participated in a trial where during the jury selection process a young mother attempted to articulate to the Court that she had obligations that would conflict with her ability to serve as a juror in our criminal case. She first outlined that she was a single mother with a young infant at home and that childcare was unavailable due to her current financial situation. After a dismissive response from the judge, she further informed the Court that her young infant was nursing and that she would be unable to serve because she was breast-feeding her child. Those concerns were also dismissed by the Court. In an effort to accommodate this young mother, our defense team used a peremptory challenge to remove her from the jury.

A peremptory challenge results in the exclusion of a potential juror without the need for any reason or explanation - unless the opposing party presents a prima facie argument that this challenge was used to discriminate on the basis of race, ethnicity, or sex. Each party in a legal matter possesses only a select number of preemptory challenges. By refusing to excuse the potential juror, the Court essentially forced one of the parties to use one of their limited preemptory challenges to help protect the rights of breast-feeding mothers. This legislation merely affords protection to not only the rights of the breast-feeding mother, but also the rights of parties involved in a legal dispute, in which the mother is a potential juror.

Thank you for your time and I respectfully ask for your support of this legislation.