

As Reported by the House Civil Justice Committee

135th General Assembly

Regular Session

2023-2024

H. B. No. 34

Representatives Klopfenstein, King

Cosponsors: Representatives Seitz, Galonski, Willis, Williams, Johnson, Stewart, Brennan, Click, Schmidt, White, Miller, A., Kick, Fowler Arthur, Demetriou, LaRe, Miller, M., Young, T., Dobos, Plummer, Lear, Mathews, Creech, Barhorst

A BILL

To amend section 2313.14 of the Revised Code to 1
permit a prospective juror who is a mother who 2
is breast-feeding to be excused from jury 3
service. 4

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

Section 1. That section 2313.14 of the Revised Code be 5
amended to read as follows: 6

Sec. 2313.14. (A) Except as provided by section 2313.15 of 7
the Revised Code, the court of common pleas or the commissioners 8
of jurors shall not excuse a person who is liable to serve as a 9
juror and who is drawn and notified, unless it is shown to the 10
satisfaction of the judge or commissioners by either the juror 11
or another person acquainted with the facts that one or more of 12
the following applies: 13

(1) The interests of the public will be materially injured 14
by the juror's attendance. 15

(2) The juror's spouse or a near relative of the juror or 16

the juror's spouse has recently died or is dangerously ill. 17

(3) The juror is a cloistered member of a religious 18
organization. 19

(4) The prospective juror has a mental or physical 20
condition that causes the prospective juror to be incapable of 21
performing jury service. The court or commissioners may require 22
the prospective juror to provide the court with documentation 23
from a physician licensed to practice medicine verifying that a 24
mental or physical condition renders the prospective juror unfit 25
for jury service for the remainder of the jury year. 26

(5) Jury service would otherwise cause undue or extreme 27
physical or financial hardship to the prospective juror or a 28
person under the care or supervision of the prospective juror. A 29
judge of the court for which the prospective juror was called to 30
jury service shall make undue or extreme physical or financial 31
hardship determinations. The judge may delegate the authority to 32
make these determinations to an appropriate court employee 33
appointed by the court. 34

(6) The juror is over seventy-five years of age, and the 35
juror requests to be excused. 36

(7) The prospective juror is an active member of a 37
recognized Amish sect and requests to be excused because of the 38
prospective juror's sincere belief that as a result of that 39
membership the prospective juror cannot pass judgment in a 40
judicial matter. 41

(8) The prospective juror is on active duty pursuant to an 42
executive order of the president of the United States, an act of 43
the congress of the United States, or section 5919.29 or 5923.21 44
of the Revised Code. 45

(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.

(d) The prospective juror is a mother who is breast- 75
feeding her baby, and the baby is one year of age or younger. 76

(2) Undue or extreme physical or financial hardship does 77
not exist solely based on the fact that a prospective juror will 78
be required to be absent from the prospective juror's place of 79
employment. 80

~~(D)~~(D) (1) A prospective juror who asks a judge to grant an 81
excuse based on undue or extreme physical or financial hardship 82
shall provide the judge with documentation that the judge finds 83
to clearly support the request to be excused. If a prospective 84
juror fails to provide satisfactory documentation, the court may 85
deny the request to be excused. 86

(2) A signed affidavit that a prospective juror described 87
in division (C) (1) (d) of this section provides to the judge and 88
states that the prospective juror is a mother who is breast- 89
feeding her baby is satisfactory documentation to support the 90
prospective juror's request to be excused based on undue or 91
extreme physical or financial hardship. 92

(E) An excuse, whether permanent or not, approved pursuant 93
to this section shall not extend beyond that jury year. Every 94
approved excuse shall be recorded and filed with the 95
commissioners of jurors. A person is excused from jury service 96
permanently only when the deciding judge determines that the 97
underlying grounds for being excused are of a permanent nature. 98

(F) No person shall be exempted or excused from jury 99
service or be granted a postponement of jury service by reason 100
of any financial contribution to any public or private 101
organization. 102

(G) The commissioners shall keep a record of all 103

proceedings before them or in their office, of all persons who 104
are granted an excuse or postponement, and of the time of and 105
reasons for each excuse. 106

Section 2. That existing section 2313.14 of the Revised 107
Code is hereby repealed. 108