

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 933

Representative Williams

To amend section 2945.21 of the Revised Code to 1
enact the Fair Trial Protection Act to create a 2
process for objecting to a peremptory challenge 3
on the basis that the challenge is based on the 4
prospective juror's race, color, religion, sex, 5
military status, national origin, disability, 6
age, or ancestry. 7

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

Section 1. That section 2945.21 of the Revised Code be 8
amended to read as follows: 9

Sec. 2945.21. (A) (1) In criminal cases in which there is 10
only one defendant, each party, in addition to the challenges 11
for cause authorized by law, may peremptorily challenge three of 12
the jurors in misdemeanor cases and four of the jurors in felony 13
cases other than capital cases. If there is more than one 14
defendant, each defendant may peremptorily challenge the same 15
number of jurors as if ~~he~~the defendant were the sole defendant. 16

(2) Notwithstanding Criminal Rule 24, in capital cases in 17
which there is only one defendant, each party, in addition to 18
the challenges for cause authorized by law, may peremptorily 19
challenge twelve of the jurors. If there is more than one 20

defendant, each defendant may peremptorily challenge the same 21
number of jurors as if ~~he~~the defendant were the sole defendant. 22

(3) In any case in which there are multiple defendants, 23
the prosecuting attorney may peremptorily challenge a number of 24
jurors equal to the total number of peremptory challenges 25
allowed to all of the defendants. 26

(B) If any indictments, informations, or complaints are 27
consolidated for trial, the consolidated cases shall be 28
considered, for purposes of exercising peremptory challenges, as 29
though the defendants or offenses had been joined in the same 30
indictment, information, or complaint. 31

~~(C)~~(C) (1) No party shall exercise a peremptory challenge 32
to remove a prospective juror based on the juror's race, color, 33
religion, sex, military status, national origin, disability, 34
age, or ancestry. 35

(2) If a party objects to a peremptory challenge on the 36
basis that the challenge is based on the juror's membership in a 37
protected class as prohibited by division (C) (1) of this 38
section, the court shall require the party exercising the 39
peremptory challenge to state, on the record, a clear, 40
reasonably specific, and neutral explanation for challenging the 41
juror. 42

(D) Upon receiving an objection under division (C) (2) of 43
this section and the explanation required under division (C) (2) 44
of this section, the court shall evaluate the explanation on the 45
record and shall not allow the peremptory challenge unless it 46
finds both of the following: 47

(1) That it is more likely than not that the peremptory 48
challenge was exercised for reasons unrelated to the juror's 49

membership in a protected class; 50

(2) That the articulated interest of the party exercising 51
the peremptory challenge substantially outweighs the interest in 52
a fair trial by an impartial jury drawn from a representative 53
cross-section of the community. 54

(E) In making a determination under division (D) of this 55
section, the court shall consider all relevant circumstances, 56
including all of the following: 57

(1) Whether similarly situated potential jurors who are 58
not members of the same protected class as the juror being 59
challenged were also challenged; 60

(2) Whether the reason given for the challenge under 61
division (C) (2) of this section applies to other potential 62
jurors who were not challenged; 63

(3) The relationship between the reason given for the 64
challenge under division (C) (2) of this section to the facts of 65
the case; 66

(4) Any pattern of challenges against members of the same 67
protected class as the juror being challenged; 68

(5) The demeanor and credibility of the party exercising 69
the challenge. 70

(F) If the court determines that a peremptory challenge 71
violates division (C) (1) of this section, the court shall deny 72
the challenge and seat the juror or, if the juror has already 73
been excused, the court shall take appropriate remedial action, 74
including declaring a mistrial, if necessary. 75

(G) If a peremptory challenge is the subject of an appeal 76
for violating division (C) (1) of this section, the court hearing 77

the appeal shall conduct a de novo review of the legal 78
conclusions of the trial court and shall only reverse the 79
decision of the trial court on factual findings if those 80
findings are clearly erroneous. Any appeal from a judgment based 81
on a violation of division (C) (1) of this section shall proceed 82
with heightened scrutiny to ensure that the defendant's right to 83
a fair trial is protected. 84

(H) The exercise of peremptory challenges authorized by 85
this section shall be in accordance with the procedures of 86
Criminal Rule 24. 87

Section 2. That existing section 2945.21 of the Revised 88
Code is hereby repealed. 89

Section 3. This act shall be known as the Fair Trial 90
Protection Act. 91