As Introduced

131st General Assembly

Regular Session 2015-2016

H. B. No. 513

Representative Gonzales

Cosponsors: Representatives Antonio, Arndt, Becker, Hagan, Smith, K., Sweeney

A BILL

| То | amend section 2313.14 of the Revised Code to | 1 |
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| | permit a prospective juror who is a mother who | 2 |
| | is breast-feeding her baby to be excused from | 3 |
| | jury 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 |
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| 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 |

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

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| jury service under this section shall take all actions necessary | 47 |
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| to obtain a ruling on that request by not later than the date on | 48 |
| which the prospective juror is scheduled to appear for jury | |
| duty. | 50 |
| (2) A prospective juror who requests to be excused as | 51 |
| provided in division (A)(6) of this section shall inform the | 52 |
| appropriate court employee appointed by the court of the | 53 |
| prospective juror's request to be so excused by not later than | 54 |
| the date on which the prospective juror is scheduled to appear | 55 |
| for jury duty. The prospective juror shall inform that court | 56 |
| employee of the request to be so excused by appearing in person | 57 |
| before the employee or contacting the employee by telephone, in | 58 |
| writing, or by electronic mail. | 59 |
| (C)(1) For purposes of this section, undue or extreme | 60 |
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| physical or financial hardship is limited to circumstances in | |
| which any of the following apply: | 62 |
| (a) The prospective juror would be required to abandon a | 63 |
| 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 | 66 |
| jury pool or on the jury. | 67 |
| (b) The prospective juror would incur costs that would | 68 |
| have a substantial adverse impact on the payment of the | 69 |
| prospective juror's necessary daily living expenses or on those | 70 |
| for whom the prospective juror provides the principal means of | 71 |
| support. | 72 |
| (c) The prospective juror would suffer physical hardship | 73 |
| that would result in illness or disease. | 74 |
| (d) The prospective juror is a mother who is breast- | 75 |

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| feeding her baby. | 76 | |
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| (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 | | |
| employment. | 80 | |
| (D) $\underline{(1)}$ 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. | | |
| (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 | | |
| organization. | 102 | |
| (G) The commissioners shall keep a record of all | 103 | |
| proceedings before them or in their office, of all persons who | 104 | |

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| are granted an excuse or postponement, and of the time of and reasons for each excuse. | 105 106 | |
| Section 2. That existing section 2313.14 of the Revised | 107 | |
| Code is hereby repealed. | 108 | |