

As Reported by the Senate Judiciary 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, Abdullahi, Abrams, Baker, Bird, Blackshear, Brent, Brewer, Brown, Carruthers, Claggett, Dell'Aquila, Denson, Forhan, Grim, Hillyer, Hoops, Isaacsohn, Jarrells, John, Jones, Lampton, Lightbody, Liston, Lorenz, McClain, McNally, Miller, J., Miranda, Patton, Pizzulli, Powell, Ray, Rogers, Russo, Somani, Stein, Sweeney, Thomas, C.

Senator Manning

A BILL

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

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

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

Sec. 2313.14. (A) Except as provided by section 2313.15 of
the Revised Code, the court of common pleas or the commissioners
of jurors 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 or commissioners by either the juror
or another person acquainted with the facts that one or more of
the following applies:

- (1) The interests of the public will be materially injured by the juror's attendance. 14
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- (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill. 16
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- (3) The juror is a cloistered member of a religious organization. 18
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- (4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The court or commissioners may require the prospective juror to provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for the remainder of the jury year. 20
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- (5) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court. 27
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- (6) The juror is over seventy-five years of age, and the juror requests to be excused. 35
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- (7) The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter. 37
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- (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 46
jury service under this section shall take all actions necessary 47
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 49
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
physical or financial hardship is limited to circumstances in 61
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 64
supervision due to the impossibility of obtaining an appropriate 65
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 that would result in illness or disease.	73 74
<u>(d) The prospective juror is a mother who is breast-feeding her baby, and the baby is one year of age or younger.</u>	75 76
(2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.	77 78 79 80
(D) (D) (1) A prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation that the judge finds to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.	81 82 83 84 85 86
<u>(2) A signed affidavit that a prospective juror described in division (C) (1) (d) of this section provides to the judge and states that the prospective juror is a mother who is breast-feeding her baby is satisfactory documentation to support the prospective juror's request to be excused based on undue or extreme physical or financial hardship.</u>	87 88 89 90 91 92
(E) An excuse, whether permanent or not, approved pursuant to this section shall not extend beyond that jury year. Every approved excuse shall be recorded and filed with the commissioners of jurors. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.	93 94 95 96 97 98
(F) No person shall be exempted or excused from jury service or be granted a postponement of jury service by reason	99 100

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