



Gerald T. Noel

*Bill Analysis*  
Legislative Service Commission

## **S.B. 39**

123rd General Assembly  
(As Introduced)

Sen. Blessing

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### **BILL SUMMARY**

- Permits a judge, other than the judge presiding over a specific case, to excuse a prospective juror from service in the jury pool.

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### **CONTENT AND OPERATION**

#### **Excusing jurors from the jury pool**

##### **Existing law**

Existing law provides that, in general, except as provided by R.C. 2313.13 (see **COMMENT**), the court of common pleas cannot excuse a person who is eligible to serve as a juror, whose name is drawn for service, and who is notified that he or she has been chosen for service. As with most rules, there are exceptions. A court of common pleas may excuse a person from service if it is shown to the satisfaction of the judge, by either the juror or another person acquainted with the facts, that one or more of the following applies to the juror's situation: (1) the juror is, currently and of necessity, absent from the county and will not return in time to serve, (2) the interests of the public or of the juror will be materially injured by the juror's service, (3) the juror is physically unable to serve, (4) the juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill, (5) the juror had been called as a juror for trial in a court of record in the same county within the same jury year, or (6) the juror is a cloistered member of a religious organization.

When a person who is eligible to serve as a juror is excused for one of the above stated reasons, the juror can be excused only by the judge presiding *in the case* (see **COMMENT**) or a representative of the judge. Excusal for one of the above stated reasons does not extend beyond that jury term. Every approved excuse must be recorded and filed with the commissioners of jurors of the county. (R.C. 2313.16.)

**Operation of the bill**

The bill removes the words *in the case* from the sentence authorizing a judge to excuse a juror, and thereby permits a juror to be excused by "judge presiding" instead of the "judge presiding in the case."

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**COMMENT**

R.C. 2313.13 provides that

"The court of common pleas may postpone the whole or a part of the time of service of a juror, after notice for service, to a later date during the same term or part of a term or to a subsequent term or part of a term of the same jury year or may excuse a juror, after notice for service, from service at that term for not more than three days at a time, where the exigencies of his business require his temporary excuse. The court may also discharge for the term or part of a term, or excuse until a day certain, one or more jurors so notified whose attendance is not required for the trial of issues at that term or part of a term, or until that day. Each juror so excused or whose time of service is postponed until a day certain may be required to attend at the opening of court on that day, and thereafter until the juror is discharged, without further notice."

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-26-99	p. 79

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