



H.B. 116

124th General Assembly
(As Introduced)

Reps. Willamowski, Callender, Jones, Redfern, DePiero

BILL SUMMARY

- Replaces the compensation of \$3 per day of service plus mileage that is provided to jurors drawn from an adjoining county to serve on a civil case in which the board of county commissioners is a party with the same compensation and travel expenses that are provided to in-county jurors.
- Requires jurors to be drawn from an adjoining county in a civil or criminal case if a party believes that it cannot receive a fair and impartial trial with a jury drawn from individuals in the county in which the case arose and that affidavit is supported by affidavits of five credible residents of that county and provides for the compensation of the jurors drawn from the adjoining county.

CONTENT AND OPERATION

County commissioners as a party

Existing law

In any civil action pending in the court of common pleas of any county in which the parties are entitled to a trial by jury, if it appears that the board of county commissioners of that county is a party to the action, the court, upon the application of either party, must certify that fact to the clerk of the court of common pleas in any adjoining county, together with the time fixed for the trial of the action and the number of jurors to be drawn. The court must order the clerk to draw the number of names of persons certified to serve as jurors in the trial of civil actions in that other county. The venire must be issued to the sheriff of the county from which the jury is drawn, and must be served in a statutorily specified manner.¹ Persons so drawn and summoned are required to appear, in obedience to

¹ "Venire" is a panel of persons who have been selected for jury duty and from whom the jurors are to be chosen (*Black's Law Dictionary, Seventh Edition (1999)*).

the summons, in the court of common pleas of the county in which the civil action is pending to serve as jurors in that action, being impaneled and subject to challenge the same as in other civil actions.

Each juror receives \$3 for each day of service and mileage. All costs, including the costs incident to the drawing, issuing, and service of the venire is paid from the treasury of the county in which the civil action is pending. (R.C. 2311.42.)

Operation of the bill

The bill replaces the existing compensation of \$3 for each day of service a juror drawn from an adjoining county receives with the existing compensation fixed for in-county jurors by the board of county commissioners of the county in which the civil action is pending. Existing law provides that the board of county commissioners by resolution must fix the compensation of each juror, not to exceed \$40 for each day's attendance, payable out of the county treasury ("regular compensation"). After ten days of actual service, the compensation of a juror must be fixed for each additional day of actual service at an amount equal to the greater of \$15 or 1.5 times the regular compensation, but the board of county commissioners by resolution may set the compensation at a greater amount that must not exceed two times the regular compensation.

The bill replaces the mileage a juror drawn from an adjoining county receives with the existing transportation costs that may be authorized for in-county jurors by the board of county commissioners of the county in which the civil action is pending. Existing law provides that residents of townships that are comprised entirely of islands must be reimbursed for the additional transportation costs they incur to serve as a juror, in the amount certified to be due by a judge of the court in which the jury service is performed.

The bill also broadens the pool of the other county from which persons may be drawn to also include persons certified to serve as jurors in criminal actions in that other county, which probably is technical in nature.² The bill also makes a number of technical changes to the section. (R.C. 2311.42 and R.C. 2313.34(B)--not in the bill.)

² *In civil cases, juries are drawn and impaneled pursuant to the Commissioners of Jurors Laws (R.C. Chapter 2313.). The Criminal Code also requires a jury be summoned and impaneled under those Laws to try an accused person (R.C. 2945.24).*

Inability to receive a fair and impartial trial

The bill requires the use of jurors from an adjoining county in any civil or criminal action pending in the court of common pleas of any county in which the parties are entitled to a trial by jury if: (1) a party files with the court an affidavit that the party believes it cannot receive a fair and impartial trial in the court with a jury drawn from individuals eligible to serve as jurors in that county, and (2) that affidavit is supported by the affidavits of at least five credible persons who are residents of that county. In such a case, the court must certify that fact to the clerk of the court of common pleas in any adjoining county, together with the time fixed for the trial of the action and the number of jurors to be drawn. The court must order the clerk to draw the number of names of persons certified to serve as jurors in the trial of civil and criminal actions in that other county. The venire must be issued to the sheriff of the county from which the jury is drawn and be served in a statutorily specified manner. Persons so drawn and summoned are required to appear, in obedience to the summons, in the court of common pleas of the county in which the action is pending to serve as jurors in that action, being impaneled and are subject to challenge the same as in other civil or criminal actions. Each juror must receive the compensation and transportation costs described above under "County commissioners as a party--Operation of the bill." (R.C. 2311.43.)

HISTORY

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