



Lisa Sandberg

Bill Analysis
Legislative Service Commission

Am. H.B. 530
124th General Assembly
(As Passed by the House)

Reps. Peterson, Willamowski, Seitz, Manning, Sulzer, Collier, Grendell, Calvert, Distel, Schmidt, Hartnett, Coates, Sferra, Otterman, Carano, Niehaus, Evans, Flowers, Redfern, Perry, Latell, Raga

BILL SUMMARY

- Modifies from counties with less than 100,000 population to counties with less than 250,000 population the counties that are exempt from the statutorily-required procedure for drawing jurors for each term or part of a term of court.
- Specifically permits an individual judge in addition to a court of common pleas to postpone, excuse, or discharge prospective jurors from jury service under certain circumstances.
- Modifies, updates, and relocates various provisions of existing law regarding the postponement of jury service.

CONTENT AND OPERATION

Procedure for drawing jurors

Existing law provides that each court of common pleas or a judge of a court of common pleas must specify by written order the number of jurors to be drawn for each term or part of a term. The commissioners of jurors first must draw a proportionate number of jurors ordered for a term or part of a term and issue a summons to them to be present during the first three consecutive calendar weeks of the term or part of a term. This process must be repeated for each succeeding three consecutive calendar week period. Counties with a population of less than 100,000 are exempted from these requirements, and, in those counties, the judge of the court of common pleas must adopt rules applicable to jury drawings. The bill modifies this provision by providing the provisions described above do not apply to counties with a population of less than 250,000. The bill also modifies the language of these provisions without substantive change. (R.C. 2313.24.)

Postponement of jury service

Existing law allows a court of common pleas to postpone, excuse, or discharge prospective jurors from jury service under certain circumstances. The bill specifically states that *an individual judge* of a court of common pleas may also postpone, excise, or discharge prospective jurors from jury service. (R.C. 2313.13.)

Modification and relocation of existing procedures for postponing, excusing, and delaying juror service

Existing law permits a court of common pleas to 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. The bill moves this provision to R.C. 2313.13(B)(1) and modifies it to read as follows:

(B)(1) The court of common pleas of a county or a judge of the court of common pleas of a county may postpone the whole or a part of a juror's time of service on jury duty, after summoning the juror for jury duty, to either of the following:

(a) To a later date during the same term of court of part of a term of court;

(b) To a subsequent term of court or part of a term of court of the same jury year.

Existing law also permits a court of common pleas to excuse a juror, after notice for service, from service at that term for not more than three days at a time. Postponements of the time of jury service and the three-day excuses are authorized only where the exigencies of the prospective juror's business require the prospective juror's temporary excuse. The bill modifies the language in this provision and relocates it to R.C. 2313.13(D). This revised provision reads as follows:

(D) The court of common pleas of a county or a judge of the court of common pleas of a county may excuse a juror, after summoning the juror for jury duty, from service on jury duty at that term of court for not more than three days at a time, if the exigencies of the juror's business require the juror's temporary excuse.

Existing law also allows a court of common pleas to 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. The bill modifies this provision and relocates it to R.C. 2313.13(C), and the relocated provision reads as follows:

(C) The court of common pleas of a county, or a judge of the court of common pleas of a county, may excuse until a specified date one or more jurors summoned for jury duty whose attendance is not required for the trial of issues until that day. Each juror excused until a specified date may be required to attend the opening of court on that day and on each day after that day until the juror is discharged, without additional summons from the court.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-05-02	p. 1488
Reported, H. Civil & Commercial Law	05-15-02	p. 1773
Passed House (93-0)	05-30-02	pp. 1887-1888

H0530-ph.124/jc

