



Lisa Sandberg

Bill Analysis
Legislative Service Commission

Am. H.B. 82

125th General Assembly
(As Passed by the House)

Reps. DePiero, Boccieri, Price, Kearns, Carano, Hughes, Harwood, Distel, Setzer, Cirelli, Wolpert, Hollister, Miller, Young, Barrett, Oelslager, Seaver, Perry, Strahorn, S. Smith, C. Evans, Willamowski, Allen, Seitz, Sferra, D. Evans, DeBose, Brown, Skindell, Beatty, Book, Chandler, Clancy, Collier, Core, Daniels, Driehaus, Flowers, Gibbs, Hagan, Hoops, Jerse, Jolivette, Key, Martin, Mason, Niehaus, S. Patton, Reidelbach, Schlichter, Schmidt, Schneider, D. Stewart, J. Stewart, Sykes, Taylor, Ujvagi, Wilson, Woodard, Yates

BILL SUMMARY

- Permits a court of common pleas to excuse from jury duty a prospective juror who is 75 years of age or older and who wishes to be excused.

CONTENT AND OPERATION

Under existing law, a court of common pleas generally may not excuse an individual from jury duty unless the juror or another person acquainted with the facts shows to the satisfaction of the judge that one or more of the following applies: the juror is necessarily absent from the county and will not return in time to serve as a juror, the interests of the public or of the juror will be materially injured by the juror's attendance, the juror is physically unable to serve, the juror's spouse or near relative of the juror or the juror's spouse has recently died or is dangerously ill, the juror had been called as a juror for trial in a court of record in the county within the same jury year, or the juror is a cloistered member of a religious organization (see **COMMENT 1**). Only the judge presiding in the case or a representative of the judge may excuse a prospective juror. If a juror is excused, that excuse does not extend beyond the current term of the respective court, and every approved excuse must be recorded and filed with the commissioners of jurors. (R.C. 2313.16.) Jurors chosen for municipal and county courts are entitled to the same excuses found in R.C. 2313.16 (R.C. 1901.25 and 1907.28--not in the bill).

The bill allows a common pleas court judge to excuse from service a juror who is 75 years of age or older and who wishes to be excused when it is shown to

the judge by either the juror in question or someone familiar with the facts that the juror is 75 years of age or older and wishes to be excused (R.C. 2313.16(G); see **COMMENT 2**).

COMMENT

1. Existing law also provides the following circumstances in which a court of common pleas or a judge of the court of common pleas may discharge a juror or postpone or temporarily excuse a juror's service: (a) the court or judge may discharge, for a term or part of a term of court, one or more jurors summoned for jury duty whose attendance is not required for the trial of issues at that term or part of a term, (b) the court or judge may postpone the whole or a part of a juror's time of service on jury duty, after summoning the juror for jury duty, either to a later date during the same term or part of a term of court or to a subsequent term or part of a term of court of the same jury year, (c) the court or judge 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, or (d) the court or judge 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 (R.C. 2313.13--not in the bill).

2. Prior to the amendment of R.C. 2313.34 by Sub. S.B. 69 of the 122nd General Assembly, which took effect on April 16, 1998, individuals over the age of 70 were automatically exempted from jury duty.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-25-03	p. 167
Reported, H. Judiciary	04-01-03	pp. 309-310
Passed House (95-3)	04-08-03	pp. 335-336

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