



Ohio Legislative Service Commission

Bill Analysis

Andrea Holmes

Sub. H.B. 265

129th General Assembly
(As Reported by H. Criminal Justice)

Reps. Slaby and O'Brien, Grossman, Huffman, Blessing, Blair, Stebelton

BILL SUMMARY

- Authorizes prosecuting authorities to demand a jury trial in a felony case, notwithstanding a defendant's waiver of trial by jury and over a defendant's objection.

CONTENT AND OPERATION

Demand for jury trial by prosecuting attorney, village solicitor, city director of law, or similar chief legal officer

The bill permits the prosecuting attorney, a village solicitor, a city director of law, or a similar chief legal officer for a municipal corporation responsible for prosecuting a felony case before a municipal court, county court, or any other court of record to demand a jury trial in any felony case in which a defendant may demand a jury trial. The prosecuting attorney, village solicitor, a city director of law, or a similar chief legal officer may demand a jury trial in a felony case notwithstanding a defendant's failure to demand a jury trial in the case and over the objection of the defendant.¹

Existing law does not permit the prosecuting attorney, a village solicitor, a city director of law, or a similar chief legal officer for a municipal corporation responsible for prosecuting a felony case before a municipal court, county court, or any other court of record to demand a jury trial in the circumstance described above.

¹ R.C. 1901.24(C), 1907.29(C), and 2938.04(B).

Demand for jury trial by prosecuting attorney in juvenile court

The bill permits the prosecuting attorney in any felony case in which an adult has been arrested or charged with a felony in juvenile court to demand a trial by jury notwithstanding a defendant's failure to demand a trial by jury and over the objection of the defendant.² Existing law does not permit a prosecuting attorney to demand a trial by jury in this circumstance.

Waiver of trial by jury

Under existing law, a defendant in any criminal case pending in a court of record in this state may waive a trial by jury and be tried by the court without a jury. The bill permits the prosecuting attorney, city director of law, village solicitor, or similar chief legal officer responsible for prosecuting a felony case to demand a trial by jury in any felony case in which a defendant may demand a trial by jury, notwithstanding the defendant's waiver of a trial by jury and over the objection of the defendant.³

Additionally, the bill specifies that a demand for a jury trial by a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer in a felony case is not affected by a defendant's withdrawal of a claim for a jury trial. If a defendant withdraws a claim for a jury trial and a jury has been summoned pursuant to the defendant's claim, the court may require the defendant to pay all costs of mileage and fees of members of the venire for one day's service, notwithstanding the outcome of the case.⁴

HISTORY

ACTION	DATE
Introduced	06-14-11
Reported, H. Criminal Justice	01-25-12

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² R.C. 2152.67.

³ R.C. 2945.05(B).

⁴ R.C. 2945.05(B), 2938.05, and 2945.06.

