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H.B. 34
135th General Assembly

Bill Analysis

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Version: As Reported by House Civil Justice

Primary Sponsors: Reps. Klopfenstein and King

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SUMMARY

- Expands the circumstances in which a prospective juror can be excused from jury service because of undue or extreme physical or financial hardship to the juror or a person under the juror's care or supervision, to include the prospective juror being a mother who is breast-feeding her baby, and the baby is one year of age or younger.
- Provides that a signed affidavit provided to the judge and stating that a prospective juror is a mother who is breast-feeding her baby is satisfactory documentation to support the request to be excused from jury service.

DETAILED ANALYSIS

Grounds for excusing a juror

Current law lists the grounds for generally excusing a person who is liable to serve as a juror and who is drawn and notified, if the juror or another person acquainted with the facts shows the specific ground for the excuse to the satisfaction of the judge or the commissioners of jurors.¹ One of these grounds is that jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror.² Undue or extreme physical or financial hardship is limited to circumstances specified in current law. The bill expands these circumstances to include the prospective juror being a mother who is breast-feeding her baby, and the baby is one year of age or younger.³ The other circumstances specified in continuing law are:⁴

¹ R.C. 2313.14(A).

² R.C. 2313.14(A)(5).

³ R.C. 2313.14(C)(1)(d).

⁴ R.C. 2313.14(C)(1)(a) to (c).

- The prospective juror would be required to abandon a person under the juror’s personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver.
- The prospective juror would incur costs that would have a substantial adverse impact on the payment of necessary daily living expenses.
- The prospective juror would suffer physical hardship that would result in illness or disease.

Required documentation

Under the bill, a signed affidavit that a prospective juror provides to the judge that states that the prospective juror is a mother who is breast-feeding her baby is satisfactory documentation to support that juror’s request to be excused based on undue or extreme physical or financial hardship.⁵ Current law requires a prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship to provide the judge with documentation that the judge finds to clearly support the request to be excused, and if a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.⁶

Under continuing law, a judge of the court for which the prospective juror was called to jury service must make undue or extreme physical or financial hardship determinations, or may delegate the authority to make these determinations to an appropriate court employee appointed by the court.⁷

HISTORY

Action	Date
Introduced	02-15-23
Reported, H. Civil Justice	03-16-23

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⁵ R.C. 2313.14(D)(2).

⁶ R.C. 2313.14(D)(1).

⁷ R.C. 2313.14(A)(5).