



Judicial Impact Statement

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February 2024

HB 34 – Exemptions from Jury Duty

HB 34
As Passed By House

Rep. King
Rep. Klopfenstein

Title Information

To permit a prospective juror who is a mother who is breast-feeding to be excused from jury service.

Background

The bill, although allegedly solving a pressing problem, is a response to a single incident. The last time a similar bill was introduced as 132 HB 13, in 2017, it was in reaction to a single breast-feeding mother who appeared for jury duty and did not request an excuse until after *voir dire* (after she had been sworn in).

Judicial Impact

The Ohio Judicial Conference resists any effort to exempt from jury service broad classes of Ohio citizens and supports any efforts to include all citizens in the pool of prospective jurors regardless of race, national origin, gender, age, religions belief, income, occupation, or disability.

Courts across Ohio are happy to make accommodations for nursing mothers or to exempt them if necessary, with or without an affidavit. Additionally, all potential jurors in Ohio already have the ability to defer jury service for several months, if necessary, and return to the court to perform this civic duty at a more convenient time (Sec. 2313.15) – the statute does not require any explanation from the person requesting deferment.

Jury service is an important component of our American justice system and all citizens have an obligation to honor it. To the parties involved, a case can be life-changing, and the parties deserve to have it decided by honest and impartial jurors. There is no reason to excuse nursing mothers from jury duty if they instead may be able to serve with accommodation from the court or to simply defer and return to serve at a later date.

The Ohio judiciary is mindful that jury service can constitute an undue personal or financial hardship for some prospective jurors. However, Ohio judges should have the discretion to review these hardships on a case-by-case basis. Ohio's eighty-eight counties are remarkably diverse. Whether it is a farmer during harvesting season, a university student during exam week, or a pregnant mother-

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

to-be, Ohio judges should have the flexibility to address the needs of prospective jurors while ensuring a broad cross section of that county’s population remains in the jury pool. The judge is in the best position to balance the individual needs of each potential juror against the immediate requirements of a particular case. The Ohio Revised Code is not the right place for a litany of possible reasons to defer or avoid jury duty.

Conclusion and Recommendations

In selecting a jury, the judge should make every reasonable accommodation to permit those jurors with special needs or circumstances to participate, including, for example, potential jurors in wheelchairs or other aids, specific times for medications, transportation affecting starting and ending times for a court session, breast-feeding, and other specific requests by jurors that would better enable that potential juror to participate effectively. If such accommodations cannot be made, that forms the basis to excuse that potential juror from participating in that case.

In considering the proposed legislation concerning breast-feeding, Revised Code 2313.14, the Jury Service Committee noticed other provisions that could be improved. The statute discusses three conditions, namely mental, physical, and financial hardship. However, the mental condition is excluded from certain provisions, and that condition should be added, as indicated in underline, set forth below:

Section 2313.14 (A) (5): Jury service would otherwise cause undue or extreme mental, physical, or financial hardship to a prospective juror or a person under the care or supervision of the prospective juror. (lines 26 – 29 of the bill)

Section 2313.14 (C) (1): For the purposes of this section, undue or extreme mental, physical, or financial hardship is limited to circumstances in which any of the following apply: ... (c) the prospective juror would suffer mental or physical hardship that would result in illness or disease. (lines 60 – 62, 73 of the bill)

Section 2313.14 (D) (1): A prospective juror who asks a judge to grant an excuse based on undue or extreme mental, physical, or financial hardship shall provide the judge with documentation that the judge finds to clearly support the request to be excused. (lines 81 – 84 of the bill)