

2313.16 Juror may be excused; ruling on request to be excused; undue or extreme physical or financial hardship; documentation

(A) Except as provided by section 2313.13 of the Revised Code, the court of common pleas shall not excuse a person who is liable to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the judge by either the juror or another person acquainted with the facts that one or more of the following applied:

- (1) The interest of the public will be materially injured by the juror's attendance.
- (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
- (3) The juror is a cloistered member of a religious organization.
- (4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The prospective juror, or the prospective juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for a period of up to twenty-four months.
- (5) 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. A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court.
- (6) The juror is over seventy-five years of age, and the juror requests to be excused.
- (7) The prospective juror is an active member of a recognized amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter.

(B)(1) A prospective juror who requests to be excused from jury service under this section shall take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.

(2) A prospective juror who requests to be excused as provided in division (A)(6) of this section shall inform the appropriate court employee appointed by the court of the prospective juror's request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror shall inform that court employee of the request to be so excused by appearing in person before the employee or contacting the employee by telephone, in writing, or by electronic mail.

(C)(1) For purposes of this section, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:

- (a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.
 - (b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.
 - (c) The prospective juror would suffer physical hardship that would result in illness or disease.
- (2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.

(D) A prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation that the judge finds to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.

(E) When a prospective juror who is liable to serve is excused in a case specified in this section, the prospective juror can be excused only by the judge presiding in the case or a representative of the judge. An excuse, including whether or not it is a permanent excuse, approved pursuant to this section shall not extend beyond that term. Every approved excuse shall be recorded and filed with the commissioners of jurors. After twenty-four months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

(See other side for Application for Excuse for a Juror.)

APPLICATION FOR EXCUSE FOR A JUROR

Common Pleas Court, Shelby County, Ohio

To the Judge of said Court:

Name of Applicant: _____ Telephone Number _____

Being first duly sworn, I request to be excused from jury service because: _____

Applicant

The foregoing application is hereby approved/disapproved this _____ day of _____, 2____.

Judge