

## As Introduced

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 268**

**Representatives Szollosi, Butler**

**Cosponsors: Representatives Pillich, Garland, Letson, Antonio, Gardner,  
Yuko, Stinziano, Okey**

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### A B I L L

To amend sections 3.08, 163.10, 311.17, 509.15, 1  
733.73, 733.74, 1901.25, 1907.28, 2101.30, 2  
2311.42, 2313.01, 2313.02, 2313.03, 2313.05, 3  
2313.11, 2313.12, 2313.13, 2313.16, 2313.18, 4  
2313.19, 2313.20, 2313.251, 2313.29, 2313.34, 5  
2313.38, 2313.41, 2313.42, 2313.46, 2313.47, 6  
2313.99, 2335.28, 2938.05, 2938.14, 2939.02, 7  
2939.03, 2945.24, 2947.23, 3314.03, 3326.11, 8  
5155.12, and 5563.05, to amend, for the purpose of 9  
adopting new section numbers as indicated in 10  
parentheses, sections 2313.05 (2313.04), 2313.11 11  
(2313.18), 2313.13 (2313.15), 2313.16 (2313.14), 12  
2313.18 (2313.19), 2313.19 (2313.07), 2313.20 13  
(2313.08), 2313.251 (2313.10), 2313.29 (2313.20), 14  
2313.34 (2313.22), 2313.38 (2313.11), 2313.41 15  
(2313.16), 2313.42 (2313.17), 2313.46 (2313.24), 16  
and 2313.47 (2313.13), to enact new sections 17  
2313.05, 2313.06, 2313.09, 2313.21, and 2313.23, 18  
and to repeal sections 2313.04, 2313.06, 2313.07, 19  
2313.08, 2313.09, 2313.10, 2313.14, 2313.15, 20  
2313.21, 2313.22, 2313.23, 2313.24, 2313.25, 21  
2313.26, 2313.30, 2313.32, 2313.33, 2313.35, 22

2313.36, 2313.37, 2313.39, 2313.40, 2313.43, and 23  
2313.45 of the Revised Code to modernize the 24  
language of, to reorganize, and to remove obsolete 25  
provisions from the jury service law. 26

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3.08, 163.10, 311.17, 509.15, 27  
733.73, 733.74, 1901.25, 1907.28, 2101.30, 2311.42, 2313.01, 28  
2313.02, 2313.03, 2313.05, 2313.11, 2313.12, 2313.13, 2313.16, 29  
2313.18, 2313.19, 2313.20, 2313.251, 2313.29, 2313.34, 2313.38, 30  
2313.41, 2313.42, 2313.46, 2313.47, 2313.99, 2335.28, 2938.05, 31  
2938.14, 2939.02, 2939.03, 2945.24, 2947.23, 3314.03, 3326.11, 32  
5155.12, and 5563.05 be amended, that sections 2313.05 (2313.04), 33  
2313.11 (2313.18), 2313.13 (2313.15), 2313.16 (2313.14), 2313.18 34  
(2313.19), 2313.19 (2313.07), 2313.20 (2313.08), 2313.251 35  
(2313.10), 2313.29 (2313.20), 2313.34 (2313.22), 2313.38 36  
(2313.11), 2313.41 (2313.16), 2313.42 (2313.17), 2313.46 37  
(2313.24), and 2313.47 (2313.13) be amended for the purpose of 38  
adopting new section numbers as indicated in parentheses, and that 39  
new sections 2313.05, 2313.06, 2313.09, 2313.21, and 2313.23 of 40  
the Revised Code be enacted to read as follows: 41

**Sec. 3.08.** Proceedings for the removal of public officers on 42  
any of the grounds enumerated in section 3.07 of the Revised Code 43  
shall be commenced by the filing of a written or printed complaint 44  
specifically setting forth the charge and signed by qualified 45  
electors of the state or political subdivision whose officer it is 46  
sought to remove, not less in number than fifteen per cent of the 47  
total vote cast for governor at the most recent election for the 48  
office of governor in the state or political subdivision whose 49  
officer it is sought to remove, or, if the officer sought to be 50  
removed is the sheriff or prosecuting attorney of a county or the 51

mayor of a municipal corporation, the governor may sign and file 52  
such written or printed complaint without the signatures of 53  
qualified electors. Such complaint shall be filed with the court 54  
of common pleas of the county where the officer against whom the 55  
complaint is filed resides, except that when the officer against 56  
whom the complaint is filed is a judge of the court of common 57  
pleas, such complaint shall be filed in the court of appeals of 58  
the district where such judge resides, and all complaints against 59  
state officers shall be filed with the court of appeals of the 60  
district where the officer against whom the complaint is filed 61  
resides. The judge or clerk of the court shall cause a copy of 62  
such complaint to be served upon the officer, against whom the 63  
complaint has been filed, at least ten days before the hearing 64  
upon such complaint. Such hearing shall be had within thirty days 65  
from the date of the filing of the complaint by said electors, or 66  
by the governor. The court may suspend the officer pending the 67  
hearing. 68

The removal proceedings filed in the court of common pleas 69  
shall be tried by a judge unless a jury trial is demanded in 70  
writing by the officer against whom the complaint has been filed. 71  
If a jury is demanded, it shall be composed of twelve persons who 72  
satisfy the qualifications of a juror specified in section ~~2313.42~~ 73  
2313.17 of the Revised Code. If nine or more persons of that jury 74  
find one or more of the charges in the complaint are true, such 75  
jury shall return a finding for the removal of the officer, which 76  
finding shall be filed with the clerk of the court and be made a 77  
matter of public record. If less than nine persons of that jury 78  
find that the charges on the complaint are true, the jury shall 79  
return a finding that the complaint be dismissed. The proceedings 80  
had by a judge upon such removal shall be matters of public record 81  
and a full detailed statement of the reasons for such removal 82  
shall be filed with the clerk of the court and shall be made a 83  
matter of public record. 84

**Sec. 163.10.** The assessment of compensation may be made at a 85  
regular or special term of court. The jury shall be selected from 86  
the jurors drawn as prescribed in ~~sections 2313.19 to 2313.26~~ 87  
Chapter 2313. of the Revised Code, and qualified as in civil 88  
actions. However, it shall be grounds for challenge for cause if a 89  
juror has served in two appropriation trials in the current term 90  
of court. 91

**Sec. 311.17.** Except as provided in a contract entered into 92  
under division (A) of section 3125.141 of the Revised Code, for 93  
the services specified in this section, the sheriff shall charge 94  
the following fees, which the court or its clerk shall tax in the 95  
bill of costs against the judgment debtor or those legally liable 96  
therefor for the judgment: 97

(A) For the service and return of the following writs and 98  
orders: 99

(1) Execution: 100

(a) When money is paid without levy or when no property is 101  
found, thirty dollars; 102

(b) When levy is made on real property, for the first tract, 103  
twenty-five dollars, and for each additional tract, ten dollars; 104

(c) When levy is made on goods and chattels, including 105  
inventory, fifty dollars. 106

(2) Writ of attachment of property, except for purpose of 107  
garnishment, forty dollars; 108

(3) Writ of attachment for the purpose of garnishment, ten 109  
dollars; 110

(4) Writ of replevin, forty dollars; 111

(5) Warrant to arrest, for each person named in the writ, 112  
twenty dollars; 113

(6) Attachment for contempt, for each person named in the writ, six dollars;	114 115
(7) Writ of possession or restitution, sixty dollars;	116
(8) Subpoena, for each person named in the writ, in either a civil or criminal case, ten dollars;	117 118
<del>(9) Venire, for each person named in the writ, in either a civil or criminal case, six dollars;</del>	119 120
<del>(10) Summoning each juror, other than on venire, in either a civil or criminal case, six dollars;</del>	121 122
<del>(11)</del> (10) Writ of partition, twenty-five dollars;	123
<del>(12)</del> (11) Order of sale on partition, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	124 125
<del>(13)</del> (12) Other order of sale of real property, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	126 127 128
<del>(14)</del> (13) Administering oath to appraisers, three dollars each;	129 130
<del>(15)</del> (14) Furnishing copies for advertisements, one dollar for each hundred words;	131 132
<del>(16)</del> (15) Copy of indictment, for each defendant, five dollars;	133 134
<del>(17)</del> (16) All summons, writs, orders, or notices, for the first name, six dollars, and for each additional name, one dollar.	135 136
(B) In addition to the fee for service and return:	137
(1) On each summons, writ, order, or notice, a fee of two dollars per mile for the first mile, and one dollar per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;	138 139 140 141
(2) Taking bail bond, three dollars;	142

(3) Jail fees, as follows:	143
(a) For receiving a prisoner, five dollars each time a prisoner is received, and for discharging or surrendering a prisoner, five dollars each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.	144 145 146 147 148 149 150
(b) Taking a prisoner before a judge or court, per day, five dollars;	151 152
(c) Calling action, one dollar;	153
(d) Calling jury, three dollars;	154
(e) Calling each witness, three dollars;	155
(f) Bringing prisoner before court on habeas corpus, six dollars.	156 157
(4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one and one-half per cent;	158 159 160
(5) Making and executing a deed of land sold on execution, decree, or order of the court, to be paid by the purchaser, fifty dollars.	161 162 163
When any of the services described in division (A) or (B) of this section are rendered by an officer or employee, whose salary or per diem compensation is paid by the county, the applicable legal fees and any other extraordinary expenses, including overtime, provided for the service shall be taxed in the costs in the case and, when collected, shall be paid into the general fund of the county.	164 165 166 167 168 169 170
The sheriff shall charge the same fees for the execution of process issued in any other state as the sheriff charges for the	171 172

execution of process of a substantively similar nature that is 173  
issued in this state. 174

**Sec. 509.15.** The following fees and expenses shall be taxed 175  
as costs, collected from the judgment debtor, and paid to the 176  
general fund of the appropriate township or district as 177  
compensation due for services rendered by township constables or 178  
members of the police force of a township police district or joint 179  
police district: 180

(A) Serving and making return of each of the following: 181

(1) Order to commit to jail, order on jailer for prisoner, or 182  
order of ejection, including copies to complete service, one 183  
dollar for each defendant named therein; 184

(2) Search warrant or warrant of arrest, for each person 185  
named in the writ, five dollars; 186

(3) Writ of attachment of property, except for purpose of 187  
garnishment, twenty dollars; 188

(4) Writ of attachment for the purpose of garnishment, five 189  
dollars; 190

(5) Writ of possession or restitution, twenty dollars; 191

(6) Attachment for contempt, for each person named in the 192  
writ, three dollars; 193

(7) Writ of replevin, twenty dollars; 194

(8) Summons and writs, subpoena, ~~venire~~ summons of jurors, 195  
and notice to garnishee, including copies to complete service, 196  
three dollars for each person named therein; 197

(9) Execution against property or person, eighty cents, and 198  
six per cent of all money thus collected; 199

(10) Any other writ, order, or notice required by law, for 200  
each person named therein, including copies to complete service, 201

three dollars for the first name and fifty cents for each	202
additional name.	203
(B) Mileage for the distance actually and necessarily	204
traveled in serving and returning any of the preceding writs,	205
orders, and notices, fifty cents for the first mile and for each	206
additional mile, twenty cents;	207
(C) For attending a criminal case during the trial or hearing	208
and having charge of prisoners, each case, two dollars and fifty	209
cents, but, when so acting, such constable shall not be entitled	210
to a witness fee if called upon to testify;	211
(D) For attending civil court during a jury trial, each case,	212
two dollars;	213
(E) For attending civil court during a trial without jury,	214
each case, one dollar and fifty cents;	215
(F) The actual amount paid solely for the transportation,	216
meals, and lodging of prisoners, and for the moving and storage of	217
goods and the care of animals taken on any legal process, such	218
expense shall be specifically itemized on the back of the writs	219
and sworn to;	220
(G) For summoning and swearing appraisers, each case, two	221
dollars;	222
(H) For advertising property for sale, by posting, taken on	223
any legal process, one dollar;	224
(I) For taking and making return of any bond required by law,	225
eighty cents.	226
Notwithstanding anything to the contrary in this section, if	227
any comparable fee or expense specified under section 311.17 of	228
the Revised Code is increased to an amount greater than that set	229
forth in this section, the board of township trustees, board of	230
trustees of the township police district, or joint township police	231

district board, as appropriate, may require that the amount taxed 232  
as costs under this section equal the amount specified under 233  
section 311.17 of the Revised Code. 234

**Sec. 733.73.** On the day fixed by the probate judge for the 235  
return of the citation issued pursuant to section 733.72 of the 236  
Revised Code, the village solicitor or city director of law shall 237  
appear on behalf of the complainant to conduct the prosecution, 238  
and the accused may also appear by counsel. A time shall be set 239  
for hearing the case, which shall be not more than ten days after 240  
such return. If a jury is demanded by either party, the probate 241  
judge shall direct the summoning of twelve ~~men~~ jurors in the 242  
manner provided by ~~sections 2313.19 to 2313.26~~ Chapter 2313. of 243  
the Revised Code. In a municipal corporation having no village 244  
solicitor or city director of law, or in case the village 245  
solicitor or city director of law is accused of any misfeasance or 246  
malfeasance in ~~his~~ office, the prosecuting attorney shall appear 247  
on behalf of the complainant to conduct the prosecution. 248

**Sec. 733.74.** On the day fixed for trial under section 733.73 249  
of the Revised Code, if a jury is impaneled, either party, in 250  
addition to the peremptory challenges allowed by law in other 251  
cases, may object for good cause to any ~~jurymen~~ juror summoned, 252  
and vacancies occurring for any cause may be filled by the probate 253  
judge from the bystanders until the panel is full, unless the 254  
party charged, or ~~his~~ the party's counsel, demands a ~~special~~ 255  
~~venire~~ that additional jurors be summoned to fill such vacancy. 256

**Sec. 1901.25.** A municipal court may provide by rule the 257  
manner in which jurors shall be chosen, and may provide that 258  
jurors to be used in the court may be chosen and summoned by the 259  
jury commissioners of the county as provided in ~~sections 2313.01~~ 260  
~~to 2313.26~~ Chapter 2313. of the Revised Code. Selection shall be 261

made from residents within the territory and those appearing to 262  
reside outside the territory shall be returned to the annual jury 263  
~~wheel, to the automation data processing storage drawer, or to any~~ 264  
~~other automated data processing information storage device used~~ 265  
~~pursuant to division (C) of section 2313.21 of the Revised Code~~ 266  
list. Jurors shall be impaneled in the same manner, shall have the 267  
same qualifications, and shall be challenged for the same causes, 268  
~~and shall receive the same fees as jurors in the court of common~~ 269  
pleas. Each municipal court shall establish the fees of jurors in 270  
that court. The fees of jurors in any criminal case involving the 271  
violation of state law shall be paid out of the county treasury. 272  
The fees of jurors in any criminal case involving a violation of a 273  
municipal ordinance shall be paid out of the treasury of the 274  
municipal corporation in which the violation occurred. 275

**Sec. 1907.28.** A county court may provide, by rule, how jurors 276  
shall be chosen, and may provide that jurors to be used in the 277  
court may be chosen and summoned by the jury commissioners of the 278  
county as provided in Chapter 2313. of the Revised Code. Selection 279  
shall be made from residents within the county court district, 280  
and, if Chapter 2313. of the Revised Code is followed, those 281  
appearing to reside outside the district shall be returned to the 282  
annual jury ~~wheel, to the automation data processing storage~~ 283  
~~drawer, or to such other automated data processing information~~ 284  
~~storage device used pursuant to division (C) of section 2313.21 of~~ 285  
~~the Revised Code~~ list. 286

Jurors shall be impaneled in the same manner, shall have the 287  
same qualifications, shall be challenged for the same causes, and 288  
shall receive the same fees as jurors in the court of common 289  
pleas. The fees of jurors in any criminal case that involves a 290  
violation of state law shall be paid out of the county treasury, 291  
and the fees of jurors in any case that involves a violation of a 292  
municipal ordinance shall be paid out of the treasury of the 293

municipal corporation that enacted the ordinance. 294

**Sec. 2101.30.** Whenever a jury is required in the probate 295  
court, the probate judge shall forthwith notify the commissioners 296  
of jurors, who shall cause to be drawn from the annual jury wheel, 297  
~~or to be drawn by use of the automation data processing equipment~~ 298  
~~and procedures described in section 2313.07 of the Revised Code,~~ 299  
list the names of sixteen ~~persons as jurymen~~ jurors. Additional 300  
names may be drawn if required. The clerk of the court of common 301  
pleas or one of ~~his~~ the clerk's deputies shall make a list of such 302  
names in the order drawn and certify it to the probate court, and 303  
such court shall issue a ~~venire~~ summons commanding the persons 304  
whose names were drawn to appear on the day and at the hour set 305  
for trial. The probate court shall deliver the ~~venire~~ summons to 306  
the sheriff, who shall serve it within five days thereafter and 307  
make prompt return of such service. 308

**Sec. 2311.42.** In any civil case pending in the court of 309  
common pleas of any county, ~~wherein~~ in which the parties ~~thereto~~ 310  
are entitled to a trial by jury, if it appears that the board of 311  
county commissioners of the county in which ~~such~~ the action is 312  
pending is a party ~~thereto~~ to the action, the court, upon the 313  
application of either party, shall certify ~~such~~ that fact to the 314  
clerk of ~~such~~ the court of common pleas in any adjoining county, 315  
together with the time fixed for the trial of ~~said~~ the case and 316  
the number of jurors to be drawn, and shall order ~~such~~ the clerk 317  
and commissioners of jurors of that county to draw from the annual 318  
~~jury wheel, or draw by use of the automation data processing~~ 319  
~~equipment and procedures described in section 2313.07 of the~~ 320  
~~Revised Code,~~ list the number of names of persons certified to 321  
serve as jurors in the trial of such cases in ~~such other~~ that 322  
county. The ~~venire shall be issued to the sheriff~~ or commissioners 323  
of jurors of the county from which ~~such~~ the jury is drawn, ~~and~~ 324

shall be served summon the jurors as provided in section ~~2313.25~~ 325  
2313.10 of the Revised Code. ~~Such~~ The persons so drawn and 326  
summoned shall, in obedience to ~~such~~ the summons, appear in the 327  
court of the county in which ~~such~~ the action is pending to serve 328  
as jurors therein, being impaneled and subject to challenge the 329  
same as in other civil cases. 330

Each juror shall receive the greater of the compensation 331  
established for jurors in the adjoining county or three dollars 332  
for each day of service and mileage, and all costs, including the 333  
costs incident to the drawing, issuing, and service of the venire 334  
shall be paid from the county treasury in which ~~such~~ the action is 335  
pending upon certificate by the clerk of ~~such~~ that county as to 336  
the service and mileage of ~~said~~ the jurors, and to the officers 337  
performing ~~such~~ those services, upon the certificate of ~~such~~ those 338  
officers. 339

**Sec. 2313.01.** (A) The judges of the ~~courts~~ general division 340  
of the court of common pleas shall appoint two ~~suitable~~ persons, 341  
neither of whom shall be an attorney at law nor more than one of 342  
whom shall be of the same political party, and either or both of 343  
whom may be court employees, to be commissioners of jurors for the 344  
county. The appointments shall be made in writing, by the judge or 345  
a majority of all the judges in those counties where there is more 346  
than one judge, and shall be filed in the office of the clerk of 347  
the court of common pleas of the county and entered upon the 348  
journal of the court. The commissioners shall hold office at the 349  
pleasure of the judges of the court of common pleas in the county 350  
of their appointment. The judges may at any time ~~for good cause~~ 351  
~~shown and,~~ by a vote of a majority of all their number, remove any 352  
commissioner and appoint a successor. Upon a vacancy occurring in 353  
the office of commissioners of jurors, for any cause, the ~~said~~ 354  
judges shall, as soon as practicable, in like manner appoint a 355  
successor. The successor so appointed shall be of the same 356

political party as the commissioner whose place is to be filled. 357

The 358

~~The said commissioners shall be officers of the courts of 359  
record common pleas in such county and shall attend upon each term 360  
of such courts for which a jury is drawn. 361~~

(B) The commissioners may examine under oath any juror called 362  
for trial as to that person's qualifications to serve as a juror. 363

**Sec. 2313.02.** (A) The commissioners of jurors shall receive 364  
compensation fixed by the court of common pleas payable monthly 365  
out of the county treasury. They may appoint and remove, with the 366  
consent of ~~said the~~ court, expressed in writing, as many deputy 367  
commissioners as are necessary to carry out ~~sections 2313.01 to 368  
2313.46, inclusive, Chapter 2313.~~ of the Revised Code. The deputy 369  
commissioners shall receive compensation fixed ~~and paid in like 370  
manner as that of the commissioners by the court of common pleas 371  
payable out of the county treasury.~~ Such compensation may at any 372  
time be changed by the ~~said court. The commissioners may, with the 373  
consent of said court, expressed in writing, from time to time 374  
appoint such clerks and messengers as are necessary. The 375  
compensation of such clerks and messengers shall be fixed by the 376  
said court, and paid monthly by the county.~~ All appointments made 377  
under this section shall be filed in the office of the clerk of 378  
the court of common pleas and entered on the journal of the court. 379  
All such appointments of deputies, clerks, and messengers shall be 380  
made on the basis of ascertained merit and fitness alone, in 381  
accordance with rules prescribed by the said court. 382

(B) The commissioners of jurors may, in writing, authorize a 383  
deputy to perform any duty or class of duties that a commissioner 384  
may perform. The commissioners or any deputy may administer an 385  
oath or affirmation in relation to any matter governed by Chapter 386  
2313. of the Revised Code. 387

**Sec. 2313.03.** Before entering upon the duties of their 388  
office, the commissioners of jurors and any deputy commissioners 389  
shall take and subscribe to the following oath of office, and file 390  
~~the same~~ it with the clerk of the court of common pleas: 391

"I do solemnly swear (or affirm) that I will honestly and 392  
faithfully discharge the duties of a commissioner of jurors (or 393  
deputy commissioner of jurors) without fear or favor; ~~and that I~~ 394  
~~will consent to the selection of no person as juror whom I have~~ 395  
~~been solicited to name as juror or whom I believe to be unfit for~~ 396  
~~that position, or likely to render a partial verdict in any cause~~ 397  
~~in which he may be called as juror;~~ and that I will report to the 398  
court the names of any and all persons who, in any manner, seek by 399  
request, hint, or suggestion to influence me in the selection of 400  
jurors; and this I do as I shall answer to God" (or, "and this I 401  
do under the pains and penalties of perjury"). 402

**Sec. ~~2313.05~~ 2313.04.** The board of county commissioners shall 403  
provide a suitable office for the commissioners of jurors on the 404  
order of the court of common pleas, and shall make provision for 405  
supplying all ~~such books~~ equipment, stationery, ~~printing,~~ 406  
~~automation data processing punch cards, magnetic tapes, magnetic~~ 407  
~~discs, punched paper tapes, or other similar devices for use in an~~ 408  
~~automated information retrieval system~~ postage, advertisement 409  
expenses, computer software, and advertising other supplies as are 410  
required necessary for the discharge of proper and convenient 411  
conduct of the commissioners in discharging the duties imposed by 412  
~~sections 2313.01 to 2313.46, inclusive, Chapter 2313. of the~~ 413  
~~Revised Code, in like manner as other public officers are~~ 414  
~~supplied.~~ 415

**Sec. 2313.05.** The court of common pleas shall establish the 416  
date on which the jury year shall begin. The court may divide each 417

jury year into parts. 418

Sec. 2313.06. (A) The commissioners of jurors shall compile a 419  
new and complete jury source list annually in accordance with both 420  
of the following: 421

(1) On a date ordered by the court of common pleas, the board 422  
of elections for each county shall compile and file with the 423  
commissioners of jurors of the county a certified, current list 424  
containing the names, addresses, and dates of birth of all the 425  
electors of the county shown on the registration lists for the 426  
most recent general election. The board of elections shall remove 427  
from the list of all electors those electors who have failed to 428  
vote at least once during the preceding four consecutive years. 429  
The voter list so compiled shall be the current voter list. 430

(2) On a date ordered by the court of common pleas of any 431  
particular county, the registrar of motor vehicles shall compile 432  
and file with the commissioners of jurors of each county a 433  
certified, current list containing the names, addresses, dates of 434  
birth, and citizenship of all residents of the particular county 435  
who have been issued, on or after January 1, 1984, a commercial 436  
driver's license pursuant to Chapter 4506. or a driver's license 437  
or identification card pursuant to Chapter 4507. of the Revised 438  
Code that is valid and current on the date of the compilation of 439  
the list, who are or will be eighteen years of age or older as of 440  
the day of the general election of the year in which the list is 441  
filed, and who, regardless of whether they actually are registered 442  
to vote, would be electors if they were registered to vote. 443

(B) In compiling the annual jury source list, the 444  
commissioners, unless otherwise ordered by the court of common 445  
pleas, shall include all names from the current voter list and may 446  
include all names for the certified, current list of all names 447  
provided to the commissioners from the registrar of motor 448

vehicles; provided that, upon merging the lists, any duplication 449  
shall be eliminated. The commissioners shall exclude from the 450  
annual jury source list the names of any jurors permanently 451  
excused under section 2313.14 of the Revised Code and the names of 452  
any jurors discharged under section 2313.21 of the Revised Code. 453

(C) The annual jury source list so compiled shall be 454  
certified by the commissioners and filed in their office before 455  
the beginning of each jury year. The names shall be entered in a 456  
suitable book or record, to be known as the "annual jury source 457  
list," and shall be arranged alphabetically. With each name shall 458  
be recorded the place of residence, date of birth, and citizenship 459  
of the person as nearly as they can be ascertained. A duplicate of 460  
the list shall be certified by the commissioners and filed in the 461  
office of the clerk of the court of common pleas. 462

(D) The commissioners may, by order of the court, supplement 463  
the annual jury source list with the names of persons who, after 464  
the list has been filed, are discovered to be qualified to serve 465  
as jurors. The commissioners shall certify any supplemental jury 466  
source list and file it in their office and in the office of the 467  
clerk of the court of common pleas. Any supplemental jury source 468  
list shall be added to the annual jury source list, and the 469  
supplemented annual jury source list shall be used for the rest of 470  
the jury year. 471

**Sec. ~~2313.19~~ 2313.07.** (A) The number of jurors to be drawn 472  
for each term ~~the jury year~~, and each separate part of a term ~~jury~~ 473  
year, or for any special term of a court of record, at which 474  
issues of facts are triable by jury, shall be fixed by a general 475  
order of the court, for which such jurors are drawn. ~~If it is not~~ 476  
~~so fixed, then the same shall be fixed by a written order made by~~ 477  
~~the judge appointed to hold the same, or in case of his absence or~~ 478  
~~inability to act, by another judge of the court. The order shall~~ 479

be filed in the office of the clerk of the court for which the 480  
jurors are to be drawn. If the number has not been fixed at the 481  
time of the drawing, the commissioners of jurors shall ~~draw such~~ 482  
fix a number ~~from the jury wheel, or by use of the automation data~~ 483  
~~processing equipment and procedures described in section 2313.07~~ 484  
~~of the Revised Code, as they deem~~ determine necessary for the 485  
business of the court for such ~~term,~~ jury year or ~~for~~ such part of 486  
a ~~term,~~ if the term consists of two or more separate parts jury 487  
year. 488

(B) At any time during the jury year, the court may order an 489  
additional number of jurors to be drawn by the commissioners of 490  
jurors for the jury year or for a part of a jury year at which the 491  
order is made or for immediate service in a particular case. The 492  
order shall specify the number to be drawn. 493

**Sec. ~~2313.20~~ 2313.08.** (A) At least six days before the 494  
drawing of jurors under section ~~2313.23~~ 2313.09 of the Revised 495  
Code, the commissioners of jurors shall publish notice of the 496  
drawing, in at least one newspaper of general circulation in the 497  
county. They shall also serve written notice upon the clerk of the 498  
court of common pleas, ~~the sheriff,~~ and at least one judge of the 499  
court of common pleas of the county. ~~If all of the persons, or~~ 500  
~~their designated representatives, required do not attend the~~ 501  
~~drawing, the commissioners shall adjourn the drawing to another~~ 502  
~~day. Thereupon the commissioners shall forthwith serve written~~ 503  
~~notice upon the absent officers to attend upon the adjourned day,~~ 504  
~~and the officer failing to attend upon the adjourned day himself~~ 505  
~~or by his deputy or other designated representative shall forfeit~~ 506  
~~one hundred dollars to the state, and the prosecuting attorney~~ 507  
~~shall collect the amount by civil action.~~ 508

~~In case of the absence of the clerk or his deputy or other~~ 509  
~~designated representative upon the adjourned day, the probate~~ 510

~~judge or his designated representative shall attend the drawing in 511  
his stead, and in case of the absence of the sheriff, or his 512  
deputy or other designated representative, the prosecuting 513  
attorney, or one of his assistants or other designated 514  
representative shall attend the drawing in his stead. 515~~

(B) All drawings of jurors shall be public on a day 516  
designated by the commissioners of jurors. A commissioner or a 517  
designated deputy commissioner, a judge of the court of common 518  
pleas or the judge's designated representative, and the clerk of 519  
the court of common pleas or the clerk's deputy or other 520  
designated representative shall attend at the office of the 521  
commissioners to supervise the jury list selection process. 522

**Sec. 2313.09.** (A) To conduct a drawing of jurors, the 523  
commissioners of jurors may use any manual, electronic, or 524  
automated method that provides each person on the annual or 525  
supplemental jury source list with an equal, random probability of 526  
selection. The commissioners shall document the method used. The 527  
list drawn shall be the annual jury list or supplemental annual 528  
jury list. 529

(B) The commissioners shall certify and file in their office 530  
the annual jury list or supplemental annual jury list. The 531  
commissioners shall enter the names on the list alphabetically in 532  
a suitable book or record to be known as the annual jury list or 533  
supplemental annual jury list and record with each name the 534  
person's place of residence, date of birth, and citizenship, as 535  
nearly as they can be ascertained. The commissioners shall certify 536  
and file in the office of the clerk of the court of common pleas a 537  
duplicate of the list. 538

~~Sec. 2313.251~~ **2313.10.** The (A) The commissioners of jurors 539  
may send to a juror whose name is drawn a printed notice informing 540

the juror that the juror has been drawn for jury duty and will be 541  
summoned by the sheriff or commissioners of jurors. The notice may 542  
contain copies of the portions of Chapter 2313. of the Revised 543  
Code that the commissioners consider advisable. 544

(B) The commissioners of jurors may establish an electronic 545  
notification system to allow a person who has been drawn as a 546  
juror to be notified electronically that the juror shall attend in 547  
person the ~~term~~ jury year or part of the ~~term~~ jury year specified 548  
in the notice. The types of electronic notification include, but 549  
are not limited to, cellular telephone, pager, e-mail, or other 550  
forms of telecommunication. If the commissioners of jurors 551  
establish an electronic notification system, the commissioners 552  
shall establish a procedure for implementing the system, a 553  
procedure for the juror to select the method of electronic 554  
notification that is applicable to the juror, and a procedure for 555  
the juror to opt in or opt out of the electronic notification 556  
system, whichever is applicable. 557

(C) If under division (B) of this section the commissioners 558  
of jurors establish a procedure for the electronic notification of 559  
a person who has been drawn as a juror, the notice addressed to 560  
the juror and served pursuant to division (B) of this section 561  
shall specify the procedure for electronically notifying the 562  
juror. 563

(D) The sheriff, commissioners of jurors, or clerk of the 564  
court of common pleas shall summon each juror to attend in person 565  
or electronically the jury year, part of a jury year, or specified 566  
date within a part of the jury year for which the juror was drawn 567  
by serving upon the juror at least six days before the 568  
commencement of the jury year, part of a jury year, or specified 569  
date within a part of the jury year a summons addressed to the 570  
juror stating that the juror has been drawn and is required to 571  
attend in person the jury year, part of a jury year, or specified 572

date within a part of the jury year specified in the notice. The 573  
jury commissioners or sheriff shall serve the summons by mail or 574  
by leaving it at the juror's residence or usual place of business. 575

(E) When the sheriff is interested in a cause in any court of 576  
record, only the jury commissioners shall summon the jurors. 577

**Sec. ~~2313.38~~ 2313.11.** (A) When, by reason of challenge or 578  
other cause, enough jurors to make up the panel, either of the 579  
grand or petit jury, are not present, or if the array is set 580  
aside, upon order of the court the sheriff or commissioners of 581  
jurors shall immediately summon talesmen until the deficiency is 582  
made up. If the number for a grand jury is insufficient, the court 583  
may issue a special venire to the sheriff commanding him to summon 584  
the persons named therein to attend forthwith as grand jurors as 585  
many persons having the qualifications of a juror as, in the 586  
opinion of the court, are necessary. The summoned jurors shall 587  
appear forthwith or at such times as the court fixes. 588

(B) No person known to be in or about the courthouse shall be 589  
summoned without the consent of both parties. 590

**Sec. 2313.12.** It is the policy of this state that all every 591  
qualified citizens have citizen has an obligation to serve on 592  
petit juries when summoned by the courts of this state unless the 593  
citizen is excused as provided in sections 2313.01 to 2313.46 594  
Chapter 2313. of the Revised Code. The granting of an excuse or 595  
postponement to a juror shall be permitted as prescribed by 596  
sections 2313.01 to 2313.46 of the Revised Code and the general 597  
statutes of the state. The commissioners of jurors, upon request, 598  
shall issue to a person who is granted an excuse or postponement a 599  
certificate of that fact, and the certificate shall excuse the 600  
person to whom it is granted from jury service during the time 601  
specified in the certificate or shall postpone the time for jury 602

~~service of the person to whom it is granted to the time specified 603  
in the certificate. The commissioners shall keep a record of all 604  
proceedings before them or in their office, of all persons who are 605  
granted an excuse or postponement, and of the time of and reasons 606  
for the excuse or postponement. 607~~

**Sec. ~~2313.47~~ 2313.13.** No officer or other person charged with 608  
a duty in selecting or summoning jurors shall exclude or fail to 609  
summon a citizen as a grand or petit juror on account of ~~his~~ race 610  
~~or color, national origin, gender, age, religious belief, income,~~ 611  
occupation, disability, or any other factor that forms the basis 612  
of a cognizable group of citizens, provided such citizen possesses 613  
all other qualifications required by law for jurors. 614

**Sec. ~~2313.16~~ 2313.14.** (A) Except as provided by section 615  
~~2313.13~~ 2313.15 of the Revised Code, the court of common pleas or 616  
the commissioners of jurors shall not excuse a person who is 617  
liable to serve as a juror and who is drawn and notified, unless 618  
it is shown to the satisfaction of the judge or commissioners by 619  
either the juror or another person acquainted with the facts that 620  
one or more of the following applies: 621

(1) The interests of the public will be materially injured by 622  
the juror's attendance. 623

(2) The juror's spouse or a near relative of the juror or the 624  
juror's spouse has recently died or is dangerously ill. 625

(3) The juror is a cloistered member of a religious 626  
organization. 627

(4) The prospective juror has a mental or physical condition 628  
that causes the prospective juror to be incapable of performing 629  
jury service. The court or commissioners may require the 630  
~~prospective juror, or the prospective juror's personal~~ 631  
~~representative, must~~ to provide the court with documentation from 632

a physician licensed to practice medicine verifying that a mental 633  
or physical condition renders the prospective juror unfit for jury 634  
service for ~~a period of up to twenty four months~~ the remainder of 635  
the jury year. 636

(5) Jury service would otherwise cause undue or extreme 637  
physical or financial hardship to the prospective juror or a 638  
person under the care or supervision of the prospective juror. A 639  
judge of the court for which the prospective juror was called to 640  
jury service shall make undue or extreme physical or financial 641  
hardship determinations. The judge may delegate the authority to 642  
make these determinations to an appropriate court employee 643  
appointed by the court. 644

(6) The juror is over seventy-five years of age, and the 645  
juror requests to be excused. 646

(7) The prospective juror is an active member of a recognized 647  
~~amish~~ Amish sect and requests to be excused because of the 648  
prospective juror's sincere belief that as a result of that 649  
membership the prospective juror cannot pass judgment in a 650  
judicial matter. 651

(8) The prospective juror is on active duty pursuant to an 652  
executive order of the president of the United States, an act of 653  
the congress of the United States, or section 5919.29 or 5923.21 654  
of the Revised Code. 655

(B)(1) A prospective juror who requests to be excused from 656  
jury service under this section shall take all actions necessary 657  
to obtain a ruling on that request by not later than the date on 658  
which the prospective juror is scheduled to appear for jury duty. 659

(2) A prospective juror who requests to be excused as 660  
provided in division (A)(6) of this section shall inform the 661  
appropriate court employee appointed by the court of the 662  
prospective juror's request to be so excused by not later than the 663

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 695  
representative of the judge. An excuse, including whether or not 696  
~~it is a permanent excuse or not~~, approved pursuant to this section 697  
shall not extend beyond that ~~term~~ jury year. Every approved excuse 698  
shall be recorded and filed with the commissioners of jurors. 699  
~~After twenty four months, a person excused from jury service shall~~ 700  
~~become eligible once again for qualification as a juror unless the~~ 701  
~~person was excused from service permanently.~~ A person is excused 702  
from jury service permanently only when the deciding judge 703  
determines that the underlying grounds for being excused are of a 704  
permanent nature. 705

(F) No person shall be exempted or excused from jury service 706  
or be granted a postponement of jury service by reason of any 707  
financial contribution to any public or private organization. 708

(G) The commissioners shall keep a record of all proceedings 709  
before them or in their office, of all persons who are granted an 710  
excuse or postponement, and of the time of and reasons for each 711  
excuse. 712

**Sec. ~~2313.13~~ 2313.15.** (A) ~~The court of common pleas of a~~ 713  
~~county or the judge of the court of common pleas of a county, upon~~ 714  
~~a~~ A juror may request ~~made~~ at least two business days before the 715  
juror's initial appearance ~~by a juror who appears in person or~~ 716  
~~contacts the appropriate court employee appointed by the court by~~ 717  
telephone, in writing, or by electronic mail, ~~shall postpone and~~ 718  
the judge of the court of common pleas of a county, the 719  
commissioners of jurors, or the appropriate court employee shall 720  
grant, a postponement of the juror's initial appearance for jury 721  
duty if both of the following apply: 722

(1) The juror has not previously been granted a postponement. 723

(2) The juror and the appropriate court employee appointed by 724  
the court agree to a specified date on which the juror will appear 725

for jury service. The specified date shall be one on which the  
court is in session and, unless extraordinary circumstances exist,  
that is within the jury year and not more than six months after  
the date for which the juror was originally called to serve. If  
extraordinary circumstances exist, the court may, at the court's  
discretion, specify a date on which the juror will appear for jury  
service that is more than six months after the date for which the  
juror was originally called to serve.

(B) The court of common pleas of a county ~~or the judge of the~~  
~~court of common pleas of a county~~ may grant a second or subsequent  
postponement of jury service to a juror only in the event of an  
extreme emergency, such as a death in the juror's family, a sudden  
illness of the juror, or a natural disaster or national emergency  
in which the juror is personally involved, that could not have  
been anticipated at the time the initial postponement was granted.  
Before receiving a second or subsequent postponement, the juror  
shall agree to a specified date on which the juror will appear for  
jury service. The specified date shall be one on which the court  
is in session and that is not more than six months after the date  
of the postponement.

~~Each juror whose time of service on jury duty is postponed~~  
~~until a specified date may be required to attend the opening of~~  
~~court on that day and on each day after that day until the juror~~  
~~is discharged, without additional summons from the court.~~

(C) After a juror appears for jury duty, the court of common  
pleas of a county may postpone the juror's service 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.

(D) The court of common pleas of a county, or a judge of the  
court of common pleas of a county, 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. Each juror

excused until a specified date may be required to attend the 758  
opening of court on that day and on each day after that day until 759  
the juror is discharged, without additional summons from the 760  
court. 761

~~(D)~~(E) The court of common pleas of a county or a judge of 762  
the court of common pleas of a county ~~may excuse a juror, after~~ 763  
~~summoning the juror for jury duty, from service on jury duty at~~ 764  
~~that term of court for not more than three days at a time, if the~~ 765  
~~exigencies of the juror's business require the juror's temporary~~ 766  
~~excuse shall automatically postpone and reschedule to a mutually~~ 767  
~~agreeable date not more than six months from the date of the~~ 768  
~~summons the service of a summoned juror of an employer with~~ 769  
~~twenty-five or fewer full-time employees, or their equivalent, if~~ 770  
~~another employee of the employer has previously been summoned to~~ 771  
~~appear and served as a juror within thirty days prior to the date~~ 772  
~~on which that juror has been summoned and if that employee or~~ 773  
~~employee demonstrates to the satisfaction of the court that the~~ 774  
~~other employee was so summoned and did serve and that the employer~~ 775  
~~has twenty-five or fewer full-time employees or their equivalent.~~ 776

**Sec. ~~2313.41~~ 2313.16.** A challenge to the array may be made 777  
~~and the~~ by any party. The whole array may be set aside by the 778  
court when the jury, grand or petit, was not selected, drawn, or 779  
summoned, ~~or when the officer who executed the venire did not~~ 780  
~~proceed as prescribed by law. No challenge to the array shall be~~ 781  
~~made or the whole array set aside by the court, by reason of the~~ 782  
~~misnomer of a juror; but on challenge, a juror may be set aside by~~ 783  
~~reason of a misnomer in his name; but such challenge shall only be~~ 784  
~~made before the jury is impaneled and sworn, and no~~ as required by 785  
Chapter 2313. of the Revised Code or if any group protected by 786  
section 2313.13 of the Revised Code is systematically excluded 787  
from the jury selection process. No indictment shall be quashed or 788  
verdict set aside for any ~~such~~ irregularity ~~or misnomer~~ in the 789

selection of jurors if the jurors ~~who formed the same~~ possessed 790  
the requisite qualifications to act as jurors. 791

**Sec. ~~2313.42~~ 2313.17.** (A) Any person called as a juror for 792  
the trial of any cause shall be examined under oath or upon 793  
affirmation as to ~~his~~ the person's qualifications. ~~A person is~~ 794  
~~qualified to serve as a juror if he is an elector of the county~~ 795  
~~and has been certified by the board of elections pursuant to~~ 796  
~~section 2313.06 of the Revised Code.~~ A person also is qualified to 797  
serve as a juror if ~~he~~ the person is eighteen years of age or 798  
older, is a resident of the county, and is an elector or would be 799  
an elector if ~~he~~ the person were registered to vote, regardless of 800  
whether ~~he~~ the person actually is registered to vote, ~~and has been~~ 801  
~~certified by the registrar of motor vehicles pursuant to section~~ 802  
~~2313.06 of the Revised Code or otherwise as having a valid and~~ 803  
~~current driver's or commercial driver's license.~~ 804

(B) The following are good causes for challenge to any person 805  
called as a juror: 806

~~(A)(1)~~ That ~~he~~ the person has been convicted of a crime ~~which~~ 807  
~~that~~ by law renders ~~him~~ the person disqualified to serve on a 808  
jury; 809

~~(B)(2)~~ That ~~he~~ the person has an interest in the cause; 810

~~(C)(3)~~ That ~~he~~ the person has an action pending between ~~him~~ 811  
the person and either party; 812

~~(D)(4)~~ That ~~he~~ the person formerly was a juror in the same 813  
cause; 814

~~(E)(5)~~ That ~~he~~ the person is the employer, the employee, or 815  
the spouse, parent, son, or daughter of the employer or employee, 816  
counselor, agent, steward, or attorney of either party; 817

~~(F)(6)~~ That ~~he~~ the person is subpoenaed in good faith as a 818  
witness in the cause; 819

~~(G)(7)~~ That ~~he~~ the person is akin by consanguinity or 820  
affinity within the fourth degree, to either party, or to the 821  
attorney of either party; 822

~~(H)(8)~~ That ~~he~~ the person or ~~his~~ the person's spouse, parent, 823  
son, or daughter is a party to another action then pending in any 824  
court in which an attorney in the cause then on trial is an 825  
attorney, either for or against ~~him~~ any such party to another such 826  
action; 827

~~(I)~~ That ~~he, not being a regular juror of the term, has~~ 828  
~~already served as a talesman in the trial of any cause, in any~~ 829  
~~court of record in the county within the preceding twelve months;~~ 830

~~(J)(9)~~ That ~~he~~ the person discloses by ~~his~~ the person's 831  
answers that ~~he~~ the person cannot be a fair and impartial juror or 832  
will not follow the law as given to ~~him~~ the person by the court. 833

(C) Each challenge listed in division (B) of this section 834  
shall be considered as a principal challenge, and its validity 835  
tried by the court. 836

(D) In addition to the causes listed in division (B) of this 837  
section, any petit juror may be challenged on suspicion of 838  
prejudice against or partiality for either party, or for want of a 839  
competent knowledge of the English language, or other cause that 840  
may render the juror at the time an unsuitable juror. The validity 841  
of the challenge shall be determined by the court and be sustained 842  
if the court has any doubt as to the juror's being entirely 843  
unbiased. 844

**Sec. ~~2313.11~~ 2313.18.** (A) ~~If a prospective juror fails to~~ 845  
~~attend as specified in the notice referred to in section 2313.10~~ 846  
~~of the Revised Code or a prospective juror refuses to be sworn or~~ 847  
~~to answer any legal and pertinent question put to the prospective~~ 848  
~~juror by a commissioner of jurors, the commissioner shall report~~ 849

~~that fact to the court. One or more successive notices may be~~ 850  
~~served upon the same person when the person fails to attend as~~ 851  
~~required by the former notice. When a person has so attended twice~~ 852  
~~for examination, the person cannot be required to attend again in~~ 853  
~~the same jury year.~~ 854

~~(B) No prospective juror shall fail to answer any legal and~~ 855  
~~pertinent question put to the prospective juror by the court or~~ 856  
~~commissioners of jurors.~~ 857

(B) If a prospective juror is required to answer written 858  
questions during the voir dire process, the questionnaire shall 859  
contain a prominent legend advising the prospective juror that the 860  
juror has the right to request and have an in-camera hearing on 861  
the record with counsel for the parties present regarding any 862  
legitimate privacy interest of the prospective juror. 863

~~(C) The court shall inform a prospective juror that if a~~ 864  
~~question put to the prospective juror involves a legitimate~~ 865  
~~privacy interest of that prospective juror the prospective juror~~ 866  
~~has the right to request and have an in-camera hearing, on the~~ 867  
~~record and with an attorney counsel for the parties present,~~ 868  
~~regarding any legal and pertinent to respond to that question put~~ 869  
~~to the prospective juror by the court. The court is not required~~ 870  
~~to hold an in-camera hearing under this division unless the~~ 871  
~~information that is contained in the response to the question put~~ 872  
~~to the prospective juror by the court is requested by any person,~~ 873  
~~and the prospective juror requests that the information should not~~ 874  
~~be released.~~ 875

**Sec. ~~2313.18~~ 2313.19.** (A) No employer shall discharge, 876  
threaten to discharge, or take any disciplinary action that could 877  
lead to the discharge of any permanent employee who is summoned to 878  
serve as a juror pursuant to Chapter 2313. of the Revised Code if 879  
the employee gives reasonable notice to the employer of the 880

summons prior to the commencement of the employee's service as a 881  
juror and if the employee is absent from employment because of the 882  
actual jury service. 883

(B) No employer shall require or request an employee to use 884  
annual, vacation, or sick leave for time spent responding to a 885  
summons for jury duty, time spent participating in the jury 886  
selection process, or for time spent actually serving on a jury. 887  
Nothing in this division requires an employer to provide annual, 888  
vacation, or sick leave to employees under the provisions of this 889  
section who otherwise are not entitled to those benefits under the 890  
employer's policies. 891

~~(C) A court shall automatically postpone and reschedule the 892  
service of a summoned juror of an employer with twenty five or 893  
fewer full time employees, or their equivalent, if another 894  
employee of that employer has previously been summoned to appear 895  
during the same term or part of a term of that court for which 896  
that juror has been summoned and if that employer or employee 897  
demonstrates to the sufficiency of the court that the other 898  
employee has been so summoned. A postponement under this division 899  
does not constitute the excused individual's right to one 900  
automatic postponement pursuant to section 2313.13 of the Revised 901  
Code. 902~~

~~(D) Whoever violates this section shall be punished as for a 903  
contempt of court pursuant to Chapter 2705. of the Revised Code. 904~~

**Sec. ~~2313.29~~ 2313.20.** No person whose name is drawn and who 905  
is notified to attend a ~~term or jury year~~, part of a ~~term of a~~ 906  
~~court of record~~ jury year, or specified date within a part of a 907  
jury year as a juror or who has had the person's jury service 908  
postponed shall fail to attend at the time specified in the 909  
notice, or from day to day. 910

~~A fine imposed for the violation of this section under 911~~

~~division (A) of section 2313.99 of the Revised Code may be wholly 912  
or partly remitted by direction of the judge in open court, before 913  
the end of the same term, and upon good cause shown; otherwise it 914  
shall not be remitted. Each remission so made by the judge, with 915  
the reason for the remission, shall be entered on the journal of 916  
the court. This section applies to an additional grand juror or a 917  
special juror, as well as to the regular petit juror. 918~~

Sec. 2313.21. (A) A person who is summoned as a juror and who 919  
has actually served as a juror in any county of the state under 920  
Chapter 2313. of the Revised Code for two consecutive calendar 921  
weeks shall be discharged by the court, except that the person 922  
shall not be so discharged until the close of a trial in which the 923  
person may be serving when the person's jury term expires. 924

(B) A person who is discharged as prescribed in this section 926  
is thereafter prohibited from jury service in any court of the 927  
state until the second jury year after the day of the person's 928  
last service, except that in counties of less than one hundred 929  
thousand population the court shall make rules in the county 930  
applicable to subsequent jury service by persons of that nature. 931

(C) Whenever the certificates of the clerk of the court of 932  
common pleas show that a person is entitled to a discharge as 933  
prescribed in this section, the commissioners of jurors upon 934  
request shall certify to that fact. No person shall be exempted 935  
from jury service for any reason, but a person may be excused from 936  
jury service or have the person's jury service postponed in 937  
accordance with Chapter 2313. of the Revised Code and the general 938  
statutes of the state. 939

Sec. 2313.34 2313.22. (A) A person who is summoned as a juror 940  
and who has actually served as a juror in any county of the state 941

~~under sections 2313.01 to 2313.46 of the Revised Code for two consecutive calendar weeks shall be discharged by the court, except that the person shall not be so discharged until the close of a trial in which the person may be serving when the person's jury term expires.~~

~~(B)(1) The board of county commissioners by resolution shall fix the compensation of each juror payable out of the county treasury.~~

~~(2)(B) After ten days of actual service, except as otherwise authorized by this division (B)(2) of this section, the compensation of a juror shall be fixed for each additional day of actual service at an amount equal to the greater of fifteen dollars or one and one-half times the compensation fixed pursuant to division (B)(1)(A) of this section. The board of county commissioners by resolution may set the compensation at a greater amount that shall not exceed two times the compensation fixed pursuant to division (B)(1)(A) of this section.~~

~~(3)(C) Residents of townships that are ~~comprised~~ composed entirely of islands shall be reimbursed for the additional transportation costs they incur to serve as a juror, in the amount certified to be due by a judge of the court in which the jury service is performed.~~

~~(C) A person who is discharged as prescribed in this section is thereafter prohibited from jury service in any court of the state until the second jury year after the day of the person's last service, except in counties of less than one hundred thousand population, in which cases the court shall make rules in the county applicable to subsequent jury service by persons of that nature.~~

~~(D) Whenever the certificates of the clerk of the court of common pleas show that a person is entitled to a discharge as~~

~~prescribed in this section, the commissioners of jurors, upon request, shall certify to that fact. No person shall be exempted from jury service for any reason, but a person may be excused from jury service or have the person's jury service postponed in accordance with sections 2313.01 to 2313.46 of the Revised Code and the general statutes of the state.~~

~~(E) No person shall be exempted or excused from jury service or be granted a postponement of jury service by reason of any financial contribution to any public or private organization.~~

Sec. 2313.23. The court of common pleas of a county by general order filed with the clerk of the court shall determine the retention period for all documents and electronic media filed with the commissioners of jurors in compliance with applicable rules of superintendence for the courts of Ohio.

~~Sec. 2313.46~~ 2313.24. Sections ~~2313.01 to 2313.46~~ and Chapter ~~2313.~~ and 2315. of the Revised Code do not contravene or affect any section of the Revised Code relating to jurors in the inferior courts in any county of the state.

Sec. 2313.99. (A) Whoever violates section ~~2313.10, 2313.11, 2313.29, or 2313.30~~ 2313.18, 2313.19, or 2313.20 of the Revised Code ~~may be fined not less than one hundred nor more than two hundred fifty dollars and~~ may be punished as for contempt of court pursuant to Chapter 2705. of the Revised Code.

(B) Whoever violates section ~~2313.47~~ 2313.13 of the Revised Code shall be fined not less than fifty nor more than five hundred dollars, imprisoned not less than thirty nor more than ninety days, or both.

(C) Any fine assessed for a contempt against a person summoned or who has qualified as a juror may be collected by

execution and shall be paid into the county treasury and disbursed 1002  
as other fines. 1003

**Sec. 2335.28.** (A) Except as provided in division (B) of this 1004  
section, in any civil action in a court of common pleas in which a 1005  
jury is sworn and a verdict is returned, the fees of the jurors 1006  
sworn shall be taxed as costs unless the court determines that the 1007  
payment of the fees by a party against whom they are proposed to 1008  
be taxed would ~~cause significant financial hardship to that party~~ 1009  
~~or would not be in the interest of justice.~~ 1010

(B)(1) If a civil action in a court of common pleas in which 1011  
a jury has been summoned but not sworn is settled or does not 1012  
otherwise go forward, the fees of the jurors summoned may be taxed 1013  
as costs at the discretion of the trial court. 1014

(2) If a civil action in a court of common pleas is settled 1015  
after jurors are sworn, the fees of the jurors sworn shall be paid 1016  
in accordance with the settlement agreement. If the agreement does 1017  
not provide for the payment of the fees, ~~the court shall order~~ 1018  
~~that the fees be paid by any party, allocated among the parties,~~ 1019  
~~or paid by the county. In making this determination, the court~~ 1020  
~~shall consider whether the payment of the fees by a party against~~ 1021  
~~whom they are proposed to be taxed would cause significant~~ 1022  
~~financial hardship to that party or would not be in the interest~~ 1023  
~~of justice~~ of the jurors sworn may be taxed as costs at the 1024  
discretion of the trial court. 1025

(C) Upon receipt of fees taxed as costs under division (A) or 1026  
(B) of this section or paid in accordance with a settlement 1027  
agreement, the clerk of the court shall pay the fees to the county 1028  
treasurer to be deposited in the county treasury. 1029

(D) If any juror serves on more than one jury on the same 1030  
day, the court shall tax the juror's jury fees for that day as 1031  
costs equally among the parties who are required to pay the fees 1032

under this section either as determined by the court or pursuant 1033  
to a settlement agreement. 1034

(E) Jury fees shall be taxed as costs pursuant to this 1035  
section for each day or part of a day that a sworn juror serves. 1036

**Sec. 2938.05.** Claim of jury, once made, may be withdrawn by 1037  
written waiver of jury but in such case the court may, if a jury 1038  
has been summoned, require accused to pay all costs of mileage and 1039  
fees of ~~members of the venire~~ summoned jurors for one day's 1040  
service, notwithstanding the outcome of the case. No withdrawal of 1041  
claim for jury shall effect any re-transfer of a case, once it has 1042  
been certified to a court of record. 1043

**Sec. 2938.14.** ~~Venires for juries~~ Jurors in courts of record 1044  
inferior to the court of common pleas shall be drawn and summoned 1045  
in the manner provided in the various acts creating such courts. 1046  
But no challenge to the array shall be sustained in any case for 1047  
the reason that some of the ~~venire jurors~~ are not residents of the 1048  
territory of the court, if it appears that the ~~venire was jurors~~ 1049  
were regularly drawn and certified by the jury commissioners of 1050  
county or municipality as the case may be. 1051

**Sec. 2939.02.** Grand juries shall consist of fifteen persons 1052  
who satisfy the qualifications of a juror specified in section 1053  
~~2313.42~~ 2313.17 of the Revised Code. Persons to serve as grand 1054  
jurors in the court of common pleas of each county shall be 1055  
selected from the persons whose names are contained in the annual 1056  
jury list ~~and from the ballots deposited in the jury wheel, or in~~ 1057  
~~the automation data processing storage drawer, or from the names~~ 1058  
~~contained in an automated data processing information storage~~ 1059  
~~device as prescribed by sections 2313.07, 2313.08, and 2313.35 of~~ 1060  
~~the Revised Code.~~ 1061

At the time of the selection of the persons who are to 1062

constitute the grand jury, the commissioners of jurors shall 1063  
randomly draw from the annual jury wheel, ~~or draw by utilizing the~~ 1064  
~~automation data processing equipment and procedures described in~~ 1065  
~~section 2313.07 of the Revised Code, ballots containing~~ list the 1066  
names of not ~~less~~ fewer than twenty-five persons. The first 1067  
fifteen persons whose names are drawn shall constitute the grand 1068  
jury, if they can be located and served by the sheriff, and if 1069  
they are not excused by the court or a judge of the court. If any 1070  
of the first fifteen persons whose names are so drawn are not 1071  
located or are unable to serve and are for that reason excused by 1072  
the court or by a judge of the court, whose duty it is to 1073  
supervise the impaneling of the grand jury, the judge shall then 1074  
designate the person whose name next appears on the list of 1075  
persons drawn, to serve in the place of the person not found or 1076  
excused and shall so continue to substitute the names of the 1077  
persons drawn in the order in which they were drawn, to fill all 1078  
vacancies resulting from persons not being found or having been 1079  
excused by the court or the judge of the court, until the 1080  
necessary fifteen persons are selected to make up the grand jury. 1081  
If all of the names appearing on the list of persons drawn are 1082  
exhausted before the grand jury is complete, the judge shall order 1083  
the commissioners of jurors to draw such additional names as the 1084  
judge determines, and shall proceed to fill the vacancies from 1085  
those names in the order in which they are drawn. 1086

The judge of the court of common pleas may select any person 1087  
who satisfies the qualifications of a juror and whose name is not 1088  
included in the annual jury list ~~or on a ballot deposited in the~~ 1089  
~~jury wheel or automation data processing storage drawer, or whose~~ 1090  
~~name is not contained in an automated data processing information~~ 1091  
~~storage device,~~ to preside as ~~foreman~~ foreperson of the grand 1092  
jury, in which event the grand jury shall consist of the ~~foreman~~ 1093  
foreperson so selected and fourteen additional grand jurors 1094  
selected from the annual jury wheel ~~or by use of the automation~~ 1095

~~data processing equipment and procedures in the manner provided in  
this section list.~~ 1096  
1097

**Sec. 2939.03.** A Except for a foreperson selected by the judge 1098  
of the court of common pleas under section 2939.02 of the Revised 1099  
Code, a grand jury is drawn and notified by the same persons, from 1100  
the same jury wheel, automation data processing storage drawer, or 1101  
automated data processing information storage device, and in the 1102  
same manner as other jurors are drawn and notified under ~~sections~~ 1103  
~~2939.02 to 2939.04 and 2313.01 to 2313.46~~ Chapter 2313. of the 1104  
Revised Code. Grand jurors so drawn and notified are not entitled 1105  
to an exemption for any reason but may be excused from service or 1106  
have their service postponed for the same reasons and in the same 1107  
manner as other jurors under ~~those sections~~ that chapter and not 1108  
otherwise. Grand jurors are subject to the same fines and 1109  
penalties for nonattendance and otherwise as are other jurors 1110  
under ~~those sections~~ that chapter. The duties and the powers of 1111  
courts of common pleas, clerks of courts of common pleas, and 1112  
commissioners of jurors in regard to grand jurors in all respects 1113  
are the same as in regard to other jurors. 1114

**Sec. 2945.24.** In all criminal cases, a jury summoned and 1115  
impaneled under ~~section 2313.01 to 2313.47~~ Chapter 2313. of the 1116  
Revised Code shall try the accused. 1117

**Sec. 2947.23.** (A)(1) In all criminal cases, including 1118  
violations of ordinances, the judge or magistrate shall include in 1119  
the sentence the costs of prosecution, including any costs under 1120  
section 2947.231 of the Revised Code, and render a judgment 1121  
against the defendant for such costs. At the time the judge or 1122  
magistrate imposes sentence, the judge or magistrate shall notify 1123  
the defendant of both of the following: 1124

(a) If the defendant fails to pay that judgment or fails to 1125

timely make payments towards that judgment under a payment 1126  
schedule approved by the court, the court may order the defendant 1127  
to perform community service in an amount of not more than forty 1128  
hours per month until the judgment is paid or until the court is 1129  
satisfied that the defendant is in compliance with the approved 1130  
payment schedule. 1131

(b) If the court orders the defendant to perform the 1132  
community service, the defendant will receive credit upon the 1133  
judgment at the specified hourly credit rate per hour of community 1134  
service performed, and each hour of community service performed 1135  
will reduce the judgment by that amount. 1136

(2) The following shall apply in all criminal cases: 1137

(a) If a jury has been sworn at the trial of a case, the fees 1138  
of the jurors shall be included in the costs, which shall be paid 1139  
to the public treasury from which the jurors were paid. 1140

(b) If a jury has not been sworn at the trial of a case 1141  
because of a defendant's failure to appear without good cause or 1142  
because the defendant entered a plea of guilty or no contest less 1143  
than twenty-four hours before the scheduled commencement of the 1144  
trial, the costs incurred in summoning jurors for that particular 1145  
trial may be included in the costs of prosecution. If the costs 1146  
incurred in summoning jurors are assessed against the defendant, 1147  
those costs shall be paid to the public treasury from which the 1148  
jurors were paid. 1149

(B) If a judge or magistrate has reason to believe that a 1150  
defendant has failed to pay the judgment described in division (A) 1151  
of this section or has failed to timely make payments towards that 1152  
judgment under a payment schedule approved by the judge or 1153  
magistrate, the judge or magistrate shall hold a hearing to 1154  
determine whether to order the offender to perform community 1155  
service for that failure. The judge or magistrate shall notify 1156

both the defendant and the prosecuting attorney of the place, 1157  
time, and date of the hearing and shall give each an opportunity 1158  
to present evidence. If, after the hearing, the judge or 1159  
magistrate determines that the defendant has failed to pay the 1160  
judgment or to timely make payments under the payment schedule and 1161  
that imposition of community service for the failure is 1162  
appropriate, the judge or magistrate may order the offender to 1163  
perform community service in an amount of not more than forty 1164  
hours per month until the judgment is paid or until the judge or 1165  
magistrate is satisfied that the offender is in compliance with 1166  
the approved payment schedule. If the judge or magistrate orders 1167  
the defendant to perform community service under this division, 1168  
the defendant shall receive credit upon the judgment at the 1169  
specified hourly credit rate per hour of community service 1170  
performed, and each hour of community service performed shall 1171  
reduce the judgment by that amount. Except for the credit and 1172  
reduction provided in this division, ordering an offender to 1173  
perform community service under this division does not lessen the 1174  
amount of the judgment and does not preclude the state from taking 1175  
any other action to execute the judgment. 1176

(C) As used in this section, "specified hourly credit rate" 1177  
means the wage rate that is specified in 26 U.S.C.A. 206(a)(1) 1178  
under the federal Fair Labor Standards Act of 1938, that then is 1179  
in effect, and that an employer subject to that provision must pay 1180  
per hour to each of the employer's employees who is subject to 1181  
that provision. 1182

**Sec. 3314.03.** A copy of every contract entered into under 1183  
this section shall be filed with the superintendent of public 1184  
instruction. 1185

(A) Each contract entered into between a sponsor and the 1186  
governing authority of a community school shall specify the 1187

following:	1188
(1) That the school shall be established as either of the	1189
following:	1190
(a) A nonprofit corporation established under Chapter 1702.	1191
of the Revised Code, if established prior to April 8, 2003;	1192
(b) A public benefit corporation established under Chapter	1193
1702. of the Revised Code, if established after April 8, 2003.	1194
(2) The education program of the school, including the	1195
school's mission, the characteristics of the students the school	1196
is expected to attract, the ages and grades of students, and the	1197
focus of the curriculum;	1198
(3) The academic goals to be achieved and the method of	1199
measurement that will be used to determine progress toward those	1200
goals, which shall include the statewide achievement assessments;	1201
(4) Performance standards by which the success of the school	1202
will be evaluated by the sponsor;	1203
(5) The admission standards of section 3314.06 of the Revised	1204
Code and, if applicable, section 3314.061 of the Revised Code;	1205
(6)(a) Dismissal procedures;	1206
(b) A requirement that the governing authority adopt an	1207
attendance policy that includes a procedure for automatically	1208
withdrawing a student from the school if the student without a	1209
legitimate excuse fails to participate in one hundred five	1210
consecutive hours of the learning opportunities offered to the	1211
student.	1212
(7) The ways by which the school will achieve racial and	1213
ethnic balance reflective of the community it serves;	1214
(8) Requirements for financial audits by the auditor of	1215
state. The contract shall require financial records of the school	1216
to be maintained in the same manner as are financial records of	1217

school districts, pursuant to rules of the auditor of state. 1218

Audits shall be conducted in accordance with section 117.10 of the 1219  
Revised Code. 1220

(9) The facilities to be used and their locations; 1221

(10) Qualifications of teachers, including the following: 1222

(a) A requirement that the school's classroom teachers be 1223  
licensed in accordance with sections 3319.22 to 3319.31 of the 1224  
Revised Code, except that a community school may engage 1225  
noncertificated persons to teach up to twelve hours per week 1226  
pursuant to section 3319.301 of the Revised Code; 1227

(b) A requirement that each classroom teacher initially hired 1228  
by the school on or after July 1, 2013, and employed to provide 1229  
instruction in physical education hold a valid license issued 1230  
pursuant to section 3319.22 of the Revised Code for teaching 1231  
physical education. 1232

(11) That the school will comply with the following 1233  
requirements: 1234

(a) The school will provide learning opportunities to a 1235  
minimum of twenty-five students for a minimum of nine hundred 1236  
twenty hours per school year. 1237

(b) The governing authority will purchase liability 1238  
insurance, or otherwise provide for the potential liability of the 1239  
school. 1240

(c) The school will be nonsectarian in its programs, 1241  
admission policies, employment practices, and all other 1242  
operations, and will not be operated by a sectarian school or 1243  
religious institution. 1244

(d) The school will comply with sections 9.90, 9.91, 109.65, 1245  
121.22, 149.43, 2151.357, 2151.421, ~~2313.18~~ 2313.19, 3301.0710, 1246  
3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 1247

3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 1248  
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1249  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 1250  
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, 3314.817, 1251  
3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 1252  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1253  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1254  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 1255  
of the Revised Code as if it were a school district and will 1256  
comply with section 3301.0714 of the Revised Code in the manner 1257  
specified in section 3314.17 of the Revised Code. 1258

(e) The school shall comply with Chapter 102. and section 1259  
2921.42 of the Revised Code. 1260

(f) The school will comply with sections 3313.61, 3313.611, 1261  
and 3313.614 of the Revised Code, except that for students who 1262  
enter ninth grade for the first time before July 1, 2010, the 1263  
requirement in sections 3313.61 and 3313.611 of the Revised Code 1264  
that a person must successfully complete the curriculum in any 1265  
high school prior to receiving a high school diploma may be met by 1266  
completing the curriculum adopted by the governing authority of 1267  
the community school rather than the curriculum specified in Title 1268  
XXXIII of the Revised Code or any rules of the state board of 1269  
education. Beginning with students who enter ninth grade for the 1270  
first time on or after July 1, 2010, the requirement in sections 1271  
3313.61 and 3313.611 of the Revised Code that a person must 1272  
successfully complete the curriculum of a high school prior to 1273  
receiving a high school diploma shall be met by completing the 1274  
Ohio core curriculum prescribed in division (C) of section 1275  
3313.603 of the Revised Code, unless the person qualifies under 1276  
division (D) or (F) of that section. Each school shall comply with 1277  
the plan for awarding high school credit based on demonstration of 1278  
subject area competency, adopted by the state board of education 1279

under division (J) of section 3313.603 of the Revised Code.	1280
(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.	1281 1282 1283 1284 1285 1286
(h) The school, unless it is an internet- or computer-based community school, will comply with sections 3313.674 and 3313.801 of the Revised Code as if it were a school district.	1287 1288 1289
(12) Arrangements for providing health and other benefits to employees;	1290 1291
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	1292 1293 1294 1295
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	1296 1297
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.	1298 1299 1300 1301 1302 1303 1304 1305 1306 1307 1308 1309
(16) Requirements and procedures regarding the disposition of	1310

employees of the school in the event the contract is terminated or 1311  
not renewed pursuant to section 3314.07 of the Revised Code; 1312

(17) Whether the school is to be created by converting all or 1313  
part of an existing public school or educational service center 1314  
building or is to be a new start-up school, and if it is a 1315  
converted public school or service center building, specification 1316  
of any duties or responsibilities of an employer that the board of 1317  
education or service center governing board that operated the 1318  
school or building before conversion is delegating to the 1319  
governing authority of the community school with respect to all or 1320  
any specified group of employees provided the delegation is not 1321  
prohibited by a collective bargaining agreement applicable to such 1322  
employees; 1323

(18) Provisions establishing procedures for resolving 1324  
disputes or differences of opinion between the sponsor and the 1325  
governing authority of the community school; 1326

(19) A provision requiring the governing authority to adopt a 1327  
policy regarding the admission of students who reside outside the 1328  
district in which the school is located. That policy shall comply 1329  
with the admissions procedures specified in sections 3314.06 and 1330  
3314.061 of the Revised Code and, at the sole discretion of the 1331  
authority, shall do one of the following: 1332

(a) Prohibit the enrollment of students who reside outside 1333  
the district in which the school is located; 1334

(b) Permit the enrollment of students who reside in districts 1335  
adjacent to the district in which the school is located; 1336

(c) Permit the enrollment of students who reside in any other 1337  
district in the state. 1338

(20) A provision recognizing the authority of the department 1339  
of education to take over the sponsorship of the school in 1340  
accordance with the provisions of division (C) of section 3314.015 1341

of the Revised Code; 1342

(21) A provision recognizing the sponsor's authority to 1343  
assume the operation of a school under the conditions specified in 1344  
division (B) of section 3314.073 of the Revised Code; 1345

(22) A provision recognizing both of the following: 1346

(a) The authority of public health and safety officials to 1347  
inspect the facilities of the school and to order the facilities 1348  
closed if those officials find that the facilities are not in 1349  
compliance with health and safety laws and regulations; 1350

(b) The authority of the department of education as the 1351  
community school oversight body to suspend the operation of the 1352  
school under section 3314.072 of the Revised Code if the 1353  
department has evidence of conditions or violations of law at the 1354  
school that pose an imminent danger to the health and safety of 1355  
the school's students and employees and the sponsor refuses to 1356  
take such action; 1357

(23) A description of the learning opportunities that will be 1358  
offered to students including both classroom-based and 1359  
non-classroom-based learning opportunities that is in compliance 1360  
with criteria for student participation established by the 1361  
department under division (L)(2) of section 3314.08 of the Revised 1362  
Code; 1363

(24) The school will comply with sections 3302.04 and 1364  
3302.041 of the Revised Code, except that any action required to 1365  
be taken by a school district pursuant to those sections shall be 1366  
taken by the sponsor of the school. However, the sponsor shall not 1367  
be required to take any action described in division (F) of 1368  
section 3302.04 of the Revised Code. 1369

(25) Beginning in the 2006-2007 school year, the school will 1370  
open for operation not later than the thirtieth day of September 1371  
each school year, unless the mission of the school as specified 1372

under division (A)(2) of this section is solely to serve dropouts. 1373  
In its initial year of operation, if the school fails to open by 1374  
the thirtieth day of September, or within one year after the 1375  
adoption of the contract pursuant to division (D) of section 1376  
3314.02 of the Revised Code if the mission of the school is solely 1377  
to serve dropouts, the contract shall be void. 1378

(B) The community school shall also submit to the sponsor a 1379  
comprehensive plan for the school. The plan shall specify the 1380  
following: 1381

(1) The process by which the governing authority of the 1382  
school will be selected in the future; 1383

(2) The management and administration of the school; 1384

(3) If the community school is a currently existing public 1385  
school or educational service center building, alternative 1386  
arrangements for current public school students who choose not to 1387  
attend the converted school and for teachers who choose not to 1388  
teach in the school or building after conversion; 1389

(4) The instructional program and educational philosophy of 1390  
the school; 1391

(5) Internal financial controls. 1392

(C) A contract entered into under section 3314.02 of the 1393  
Revised Code between a sponsor and the governing authority of a 1394  
community school may provide for the community school governing 1395  
authority to make payments to the sponsor, which is hereby 1396  
authorized to receive such payments as set forth in the contract 1397  
between the governing authority and the sponsor. The total amount 1398  
of such payments for oversight and monitoring of the school shall 1399  
not exceed three per cent of the total amount of payments for 1400  
operating expenses that the school receives from the state. 1401

(D) The contract shall specify the duties of the sponsor 1402

which shall be in accordance with the written agreement entered 1403  
into with the department of education under division (B) of 1404  
section 3314.015 of the Revised Code and shall include the 1405  
following: 1406

(1) Monitor the community school's compliance with all laws 1407  
applicable to the school and with the terms of the contract; 1408

(2) Monitor and evaluate the academic and fiscal performance 1409  
and the organization and operation of the community school on at 1410  
least an annual basis; 1411

(3) Report on an annual basis the results of the evaluation 1412  
conducted under division (D)(2) of this section to the department 1413  
of education and to the parents of students enrolled in the 1414  
community school; 1415

(4) Provide technical assistance to the community school in 1416  
complying with laws applicable to the school and terms of the 1417  
contract; 1418

(5) Take steps to intervene in the school's operation to 1419  
correct problems in the school's overall performance, declare the 1420  
school to be on probationary status pursuant to section 3314.073 1421  
of the Revised Code, suspend the operation of the school pursuant 1422  
to section 3314.072 of the Revised Code, or terminate the contract 1423  
of the school pursuant to section 3314.07 of the Revised Code as 1424  
determined necessary by the sponsor; 1425

(6) Have in place a plan of action to be undertaken in the 1426  
event the community school experiences financial difficulties or 1427  
closes prior to the end of a school year. 1428

(E) Upon the expiration of a contract entered into under this 1429  
section, the sponsor of a community school may, with the approval 1430  
of the governing authority of the school, renew that contract for 1431  
a period of time determined by the sponsor, but not ending earlier 1432  
than the end of any school year, if the sponsor finds that the 1433

school's compliance with applicable laws and terms of the contract 1434  
and the school's progress in meeting the academic goals prescribed 1435  
in the contract have been satisfactory. Any contract that is 1436  
renewed under this division remains subject to the provisions of 1437  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1438

(F) If a community school fails to open for operation within 1439  
one year after the contract entered into under this section is 1440  
adopted pursuant to division (D) of section 3314.02 of the Revised 1441  
Code or permanently closes prior to the expiration of the 1442  
contract, the contract shall be void and the school shall not 1443  
enter into a contract with any other sponsor. A school shall not 1444  
be considered permanently closed because the operations of the 1445  
school have been suspended pursuant to section 3314.072 of the 1446  
Revised Code. Any contract that becomes void under this division 1447  
shall not count toward any statewide limit on the number of such 1448  
contracts prescribed by section 3314.013 of the Revised Code. 1449

**Sec. 3326.11.** Each science, technology, engineering, and 1450  
mathematics school established under this chapter and its 1451  
governing body shall comply with sections 9.90, 9.91, 109.65, 1452  
121.22, 149.43, 2151.357, 2151.421, ~~2313.18~~ 2313.19, 2921.42, 1453  
2921.43, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 1454  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 1455  
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1456  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 1457  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1458  
3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 1459  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 1460  
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 1461  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 1462  
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1463  
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1464  
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 1465

4167. of the Revised Code as if it were a school district. 1466

**Sec. 5155.12.** Witnesses may be subpoenaed on a hearing under 1467  
section 5155.09 of the Revised Code. They shall be entitled to 1468  
receive the same fees and mileage as provided by section 2335.08 1469  
of the Revised Code. Such subpoenas may be served by the sheriff 1470  
or the superintendent or administrator of the county home. The 1471  
sheriff and the jurors shall receive the same fees and mileage as 1472  
provided by sections 311.17 and ~~2313.34~~ 2313.22 of the Revised 1473  
Code. 1474

**Sec. 5563.05.** If the probate judge or common pleas judge 1475  
finds that an appeal in a road improvement case has been properly 1476  
perfected, and that the proceedings are substantially regular, ~~he~~ 1477  
the judge shall fix a day, not more than twenty days after ~~such~~ 1478  
the finding, for the trial of the case by jury. ~~Such~~ The jury 1479  
shall be selected from the jurors drawn as prescribed in ~~sections~~ 1480  
~~2313.19 to 2313.26, inclusive,~~ Chapter 2313. of the Revised Code. 1481

**Section 2.** That existing sections 3.08, 163.10, 311.17, 1482  
509.15, 733.73, 733.74, 1901.25, 1907.28, 2101.30, 2311.42, 1483  
2313.01, 2313.02, 2313.03, 2313.05, 2313.11, 2313.12, 2313.13, 1484  
2313.16, 2313.18, 2313.19, 2313.20, 2313.251, 2313.29, 2313.34, 1485  
2313.38, 2313.41, 2313.42, 2313.46, 2313.47, 2313.99, 2335.28, 1486  
2938.05, 2938.14, 2939.02, 2939.03, 2945.24, 2947.23, 3314.03, 1487  
3326.11, 5155.12, and 5563.05 and sections 2313.04, 2313.06, 1488  
2313.07, 2313.08, 2313.09, 2313.10, 2313.14, 2313.15, 2313.21, 1489  
2313.22, 2313.23, 2313.24, 2313.25, 2313.26, 2313.30, 2313.32, 1490  
2313.33, 2313.35, 2313.36, 2313.37, 2313.39, 2313.40, 2313.43, and 1491  
2313.45 of the Revised Code are hereby repealed. 1492

**Section 3.** The amendments by Sub. S.B. 210 of the 128th 1493  
General Assembly to sections 3314.03 and 3326.11 of the Revised 1494  
Code that insert "3313.814, 3313.816, 3313.817" into the sections 1495

and that are included in sections 3314.03 and 3326.11 of the  
Revised Code as amended by this act take effect July 1, 2011.

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