



Judicial Impact Statement

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SB 200 – Jury Source List

SB 200

Sen. Thomas

Title Information

The bill seeks to amend R.C. 2313.06 of the Revised Code to require the names submitted by the Bureau of Motor Vehicles to the commissioners of jurors to be included on the annual jury source list compiled by the commissioners. The bill further amends R.C. 2313.06 to require that two additional sets of names be included as sources for jury pools, to be created by jury commissioners: persons who are or will be 18 years old or older on the day of the general election of the year in which the jury source list is filed; and persons who, regardless of whether actually registered to vote, would be eligible to vote.

Background

A jury is supposed to contain a representative cross section of the community, resulting in a fair and impartial jury.¹ A diverse jury has the benefit of the various backgrounds and experiences of its members. Racial minorities have historically been underrepresented on juries and courts should remain vigilant in monitoring jury pools for representativeness.

Currently, R.C. 2313.06 requires the use of the voter list but permits a county to use the driver list. Many courts across Ohio use both lists.²

In Ohio, utilizing the list of licensed drivers has not been proven to create a more representative jury than the list of registered voters. A study conducted in Lucas County and published in the Justice System Journal in 2008³ found that “[m]ore whites and fewer blacks and Hispanics are registered to vote than is suggested by the overall population, a statistically significant difference.” When the researchers performed the same calculations comparing the licensed driver list to the total population, they found “as [they] did with the registered voters’ list, that whites are

What is a Judicial Impact Statement?

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

¹ The constitutional standard is not a “jury of one’s peers” but a “fair and impartial jury.” The Ohio Constitution specifically states that the accused has a right to be tried by an “impartial jury,” and that has been interpreted to be a diverse cross-section of the community.

² See http://users.neo.registeredsite.com/0/2/0/11669020/assets/OJMA_Survey-VoterReg.BMVlist_2016.pdf

³ Ronald Randall, James A. Woods and Robert G. Martin; Racial Representativeness of Juries: An Analysis of Source List and Administrative Effects on the Jury Pool. The Justice System Journal, Vol. 29, Number 1 (2008)

overrepresented and blacks and Hispanics are underrepresented, again a statistically significant result.” In short, there is no greater racial and ethnic representativeness between lists of licensed drivers and lists of registered voters.

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In counties that do not already do so, merging the voter list and the driver list will increase the annual cost of creating the annual jury source list. Some duplications would have to be removed manually. Use of the driver list is also likely to increase the return of summons as undeliverable, which represents an additional cost.

The bill’s other changes to R.C. 2313.06 involve two sets of data that are not currently created by any government entity and are not currently available to jury commissioners. There is no mechanism within the bill to allow for such information to be collected and transmitted to the jury commissioners.

Conclusion

The bill’s goal is one that is supported by the Ohio Judicial Conference, but the approach crafted by the bill has been shown through research to make no impact on representativeness of jury pools.

The Montgomery County Common Pleas Court conducted a study, starting in September of 2017, to test whether a list combining drivers’ lists and voters’ lists would increase diversity in the jury pools of Montgomery County. While the combined list increased age diversity (approximately 7% more jurors under the age of 30 were summoned for jury duty), there was no statistical difference in diversity of ethnicity within the jury pools. Additionally, the increase in age diversity was negated because although more young people received summons, more young people were also excused from jury duty, in large part because they were attending school outside of the county. Starting in March 2018, the Montgomery County Court of Common Pleas has decided to extend its study for a year. It is worth noting that the list utilized by Montgomery County includes both drivers and non-driving state ID holders.

The Ohio Judicial Conference recommends awaiting the results of the currently ongoing study in Montgomery County to determine how to better gain representativeness in a jury pool.