

July 24, 2006

The Honorable Julia R. Bates
Lucas County Prosecuting Attorney
Lucas County Courthouse, Suite 250
Toledo, Ohio 43624-1680

SYLLABUS:

2006-031

1. Pursuant to R.C. 2961.01, a person who was convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, and who is on probation or is serving a period of one or more community control sanctions, may not serve as a juror on a petit jury.
2. R.C. 2967.16(C)(3) restores the privilege of serving as a juror on a petit jury to a person who was convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, and who has completed his probation or a period of one or more community control sanctions.



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OPINION NO. 2006-031

The Honorable Julia R. Bates
Lucas County Prosecuting Attorney
Lucas County Courthouse, Suite 250
Toledo, Ohio 43624-1680

Dear Prosecutor Bates:

You have requested an opinion whether a person convicted of a felony under the laws of Ohio may serve as a juror on a petit jury during or after probation,¹ or during or after a period of one or more community control sanctions.² For the reasons discussed below, we conclude that, pursuant to R.C. 2961.01, a person who was convicted of a felony under the laws of Ohio prior

¹ Former R.C. 2951.02 authorized a court to place an Ohio felon on probation. 1995-1996 Ohio Laws, Part II, 2245, 2278 (Sub. H.B. 167, eff. Nov. 15, 1995, with certain sections effective on other dates); 1995-1996 Ohio Laws, Part I, 100, 117 (Sub. H.B. 4, eff. Nov. 9, 1995). The General Assembly repealed this sentencing option in 1996. *See* 1995-1996 Ohio Laws, Part IV, 7136, 7470-78, 7545 (Am. Sub. S.B. 2, eff. Nov. 9, 1995, with certain sections effective on other dates). In its place, the General Assembly authorized a court to impose a period of one or more community control sanctions on an Ohio felon who committed a felony on or after July 1, 1996. *Id.* *See generally* note four, *infra* (provisions of the Revised Code in existence on or after July 1, 1996, apply to a person who commits an offense on or after that date).

² The term “community control sanction,” as used in R.C. 2961.01 and R.C. Chapter 2967, is defined as follows:

[A] sanction that is not a prison term and that is described in [R.C. 2929.15, R.C. 2929.16, R.C. 2929.17, or R.C. 2929.18] or a sanction that is not a jail term and that is described in [R.C. 2929.26, R.C. 2929.27, or R.C. 2929.28]. “Community control sanction” includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004.

R.C. 2929.01(F); *see* R.C. 2961.01(C)(1); R.C. 2967.01(P).

to, or on or after July 1, 1996, may not be a juror on a petit jury while the person is on probation or serving a period of one or more community control sanctions. However, R.C. 2967.16(C)(3) restores the privilege of serving as a juror on a petit jury to a person who was convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, when the person has completed his probation or a period of one or more community control sanctions.³

A Person on Probation or a Period of One or More Community Control Sanctions May Not Serve as a Juror on a Petit Jury

Article V, § 4 of the Ohio Constitution declares that the General Assembly “shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of a felony.” *See generally* Ohio Const. art. I, § 2 (“no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly”). Pursuant to this constitutional grant, the General Assembly has enacted R.C. 2961.01, a disenfranchisement statute that provides that a person convicted of a felony under the laws of Ohio “is incompetent to be an elector or *juror* or to hold an office of honor, trust, or profit” unless the person’s conviction is reversed or annulled or the person is granted a full pardon. (Emphasis added.) R.C. 2961.01’s prohibitions also apply to a person who committed a felony prior to July 1, 1996.⁴ *See* 1971-1972 Ohio Laws, Part II, 1866, 2004 (Am. Sub. H.B. 511, eff.

³ Various provisions of Ohio law deprive criminal offenders of other rights or privileges. *See, e.g.*, Ohio Const. art. II, § 5; R.C. 2915.11(B); R.C. 2921.02(F); R.C. 2921.41(C)(1); R.C. 2923.125(D)(1); R.C. 2923.13(A); R.C. 2961.01(B); R.C. 2961.02(B); R.C. 3501.27(A); R.C. 3721.07(A); R.C. 3770.05(C); R.C. 4303.29(A); R.C. 4507.16; R.C. 4508.04(B); R.C. 4738.07(D); R.C. 4749.03(A); R.C. 4751.10. In this opinion we conclude that the privilege of serving as a juror on a petit jury, which had been forfeited by operation of R.C. 2961.01, can be restored pursuant to R.C. 2967.16(C). We have not determined whether R.C. 2967.16(C) restores any specific right or privilege forfeited, revoked, or otherwise lost under another statute. *See generally, e.g., State ex rel. Fink v. Registrar, Ohio Bur. of Motor Vehicles*, Case No. CA98-02-021, 1998 Ohio App. LEXIS 4261 (Butler County Sept. 14, 1998) (R.C. 2967.16 was never intended by the General Assembly to restore a privilege which had been permanently revoked by a more specific statute).

⁴ Because your question is not limited to a person who committed a felony on or after July 1, 1996, we must examine the current provisions of the Revised Code as well as the provisions of the Revised Code in existence prior to July 1, 1996. *See* 1995-1996 Ohio Laws, Part VI, 10752, 11099 (Am. Sub. S.B. 269, eff. July 1, 1996) (uncodified section three, which amended uncodified section five of Am. Sub. S.B. 2, states that “[t]he provisions of the Revised Code in existence prior to July 1, 1996, shall apply to a person upon whom a court imposed a term of imprisonment prior to that date and, notwithstanding [R.C. 1.58(B)], to a person upon whom a court, on or after that date and in accordance with the law in existence prior to that date, imposes a term of imprisonment for an offense that was committed prior to that date. The provisions of

Mar. 23, 1973, with certain sections effective on other dates) (setting forth the version of R.C. 2961.01 that applies to a person who committed a felony prior to July 1, 1996). Thus, under R.C. 2961.01, a person convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, is incompetent to serve as a juror on a petit jury unless his conviction is reversed or annulled or he receives a full pardon from the Governor. *See generally* R.C. 2313.42(A) (a good cause for a challenge to a person serving as a juror is that the person “has been convicted of a crime which by law renders him disqualified to serve on a jury”); R.C. 2945.25(I) (a juror in a criminal case may be challenged on the ground that “he has been convicted of a crime that by law disqualifies him from serving on a jury”); Ohio R. Crim. P. 24(C)(1) (a juror in a criminal case may be challenged on the ground that “the juror been convicted of a crime which by law renders the juror disqualified to serve on a jury”).

No language appears in R.C. 2961.01, or in any other provision of the Revised Code, that restores to a person convicted of a felony under the laws of Ohio the privilege of being a juror on a petit jury when the person either is on probation or is serving a period of one or more community control sanctions. *Cf.* R.C. 2961.01(A) (when an Ohio felon “is granted parole, judicial release, or a conditional pardon or is released under a non-jail community control sanction or a post-release control sanction, the person is competent to be an elector during the period of community control, parole, post-release control, or release or until the conditions of the pardon have been performed or have transpired and is competent to be an elector thereafter following final discharge”); 1971-1972 Ohio Laws, Part II, 1866, 2004 (Am. Sub. H.B. 511, eff. Mar. 23, 1973, with certain sections effective on other dates) (the version of R.C. 2961.01 that applies to a person who committed a felony prior to July 1, 1996, states that, when an Ohio felon “is granted probation, parole, or a conditional pardon, he is competent to be an elector during the period of probation or parole or until the conditions of his pardon have been performed or have transpired, and thereafter following his final discharge”). Accordingly, pursuant to R.C. 2961.01, a person who was convicted of a felony under the laws of Ohio prior to, or on or after

the Revised Code in existence on and after July 1, 1996, apply to a person who commits an offense on or after that date”). *See generally also* R.C. 2951.011(A) (R.C. Chapter 2951, “as it existed prior to July 1, 1996, applies to a person upon whom a court imposed a term of imprisonment prior to July 1, 1996, and a person upon whom a court, on or after July 1, 1996, and in accordance with law existing prior to July 1, 1996, imposed a term of imprisonment for an offense that was committed prior to July 1, 1996.... [R.C. Chapter 2951,] as it exists on and after July 1, 1996, applies to a person upon whom a court imposed a stated prison term for an offense committed on or after July 1, 1996”); R.C. 2967.021 (R.C. Chapter 2967, “as it existed prior to July 1, 1996, applies to a person upon whom a court imposed a term of imprisonment prior to July 1, 1996, and a person upon whom a court, on or after July 1, 1996, and in accordance with law existing prior to July 1, 1996, imposed a term of imprisonment for an offense that was committed prior to July 1, 1996.... [R.C. Chapter 2967], as it exists on and after July 1, 1996, applies to a person upon whom a court imposed a stated prison term for an offense committed on or after July 1, 1996”).

July 1, 1996, may not serve as a juror on a petit jury while he is on probation or is serving a period of one or more community control sanctions. *See generally Sears v. Weimer*, 143 Ohio St. 312, 55 N.E.2d 413 (1944) (syllabus, paragraph five) (“[w]here the language of a statute is plain and unambiguous and conveys a clear and definite meaning there is no occasion for resorting to rules of statutory interpretation. An unambiguous statute is to be applied, not interpreted”); *Morris Coal Co. v. Donley*, 73 Ohio St. 298, 76 N.E. 945 (1906) (syllabus, paragraph one) (“[a]n exception to the provisions of a statute not suggested by any of its terms should not be introduced by construction from considerations of mere convenience”).

A Person May Serve as a Juror on a Petit Jury after Completing His Probation or Period of One or More Community Control Sanctions

We will now consider whether R.C. 2967.16, to which you refer in your letter, may operate to restore the privilege of serving as a juror on a petit jury to an Ohio felon once he has completed his probation or a period of one or more community control sanctions.⁵ Division (C)(3) of R.C. 2967.16 states, in pertinent part, that a “person shall be restored to the rights and

⁵ R.C. 2953.33(A) states, except as provided in R.C. 2953.32(G), a person who has had the record of his conviction sealed under R.C. 2953.32 is restored “all rights and privileges not otherwise restored by termination of the sentence or community control sanction or by final release on parole or post-release control.” *See also* 1991-1992 Ohio Laws, Part II, 3198, 3224 (Am. Sub. H.B. 154, eff. July 31, 1992, with certain sections effective on other dates) (the version of R.C. 2953.33(A) that applies to a person who committed a felony prior to July 1, 1996, states that, except as provided in R.C. 2953.32(G), a person who has had the record of his conviction sealed under R.C. 2953.32 is restored “all rights and privileges not otherwise restored by termination of sentence or probation or by final release on parole”). In addition, language in former R.C. 2951.09 authorized a judge to restore the rights and privileges forfeited under R.C. 2961.01 to a person who committed a felony prior to July 1, 1996, and completed his probation. *See* 1989-1990 Ohio Laws, Part I, 1308, 1481 (Am. Sub. S.B. 258, eff. Aug. 22, 1990, with certain sections effective on other dates) (setting forth the version of R.C. 2951.09 that applies to a person who committed a felony prior to July 1, 1996). *See generally* R.C. 2951.011(A) (R.C. Chapter 2951, “as it existed prior to July 1, 1996, applies to a person upon whom a court imposed a term of imprisonment prior to July 1, 1996, and a person upon whom a court, on or after July 1, 1996, and in accordance with law existing prior to July 1, 1996, imposed a term of imprisonment for an offense that was committed prior to July 1, 1996”). *See also generally* 1995-1996 Ohio Laws, Part IV, 7136, 7561 (Am. Sub. S.B. 2, eff. Nov. 9, 1995, with certain sections effective on other dates) (repealing the language authorizing a judge to restore the rights and privileges of an Ohio felon). It is unnecessary for us to consider in this opinion whether either R.C. 2953.33(A) or former R.C. 2951.09 restores an Ohio felon’s privilege to serve as a juror on a petit jury since you are concerned with a situation in which the felon has not had the record of his conviction sealed or his rights and privileges restored pursuant to former R.C. 2951.09.

privileges forfeited by a conviction” when the person “has completed the period of a community control sanction or combination of community control sanctions, as defined in [R.C. 2929.01], that was imposed by the sentencing court.” As stated in note two, *supra*, the term “community control sanction” includes, for purposes of R.C. 2967.16, “probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996.” R.C. 2929.01(F); *see* R.C. 2967.01(P). The plain language of R.C. 2967.16(C)(3) thus appears to restore to a person who was convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, the privilege of serving as a juror on a petit jury once the person has completed his probation or a period of one or more community control sanctions.⁶

⁶ As explained in note four, *supra*, R.C. 2967.16, as it existed prior to July 1, 1996, applies to a person who committed a felony prior to July 1, 1996, while R.C. 2967.16, as it exists on and after July 1, 1996, applies to a person who committed a felony on or after July 1, 1996. No language in R.C. 2967.16, as it existed prior to July 1, 1996, restored to a person who committed a felony prior to July 1, 1996, the privilege of serving as a juror on a petit jury once the person completed his probation. *See* 1993-1994 Ohio Laws, Part III, 5390, 5394 (Sub. H.B. 314, eff. Sept. 29, 1994) (setting forth the version of R.C. 2967.16 that applies to a person who committed a felony prior to July 1, 1996). Nevertheless, insofar as the definition of “community control sanction,” as used in R.C. 2967.16, as it exists on and after July 1, 1996, includes “probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996,” R.C. 2929.01(F); *see* R.C. 2967.01(P), it reasonably follows that the General Assembly intended to extend the restoration benefits of R.C. 2967.16, as it exists on and after July 1, 1996, to a person who committed a felony prior to July 1, 1996, and completed his probation.

If this were not so, a person who committed a felony prior to July 1, 1996, and completed his probation would not have the privilege of serving as a juror on a petit jury restored by R.C. 2967.16, whereas a person who committed a felony prior to July 1, 1996, and served his entire sentence in a state correctional institution would have this privilege restored upon his compliance with the conditions in R.C. 2967.16. Also, any person who committed a felony on or after July 1, 1996, would have the privilege of serving as a juror on a petit jury restored upon his compliance with the conditions in R.C. 2967.16, while a person who committed a felony prior to July 1, 1996, and completed his probation would not have this privilege restored by R.C. 2967.16.

Because R.C. 2901.04(A) directs that statutes “defining offenses or penalties shall be strictly construed against the state, and liberally construed in favor of the accused[,]” any ambiguity in the construction of R.C. 2967.16 must be resolved in favor of a person who committed his felony prior to July 1, 1996. *See generally* 1950 Op. Att’y Gen. No. 1499, p. 106, at 108 (since G.C. 13458-1 (now R.C. 2961.01) is a penal statute, it should be strictly construed); 1938 Op. Att’y Gen. No. 2822, vol. II, p. 1565 (G.C. 13452-7, which was former R.C. 2951.09, is a remedial statute that should be given a liberal interpretation). Accordingly, R.C. 2967.16, as

In light of the language of R.C. 2967.16(C)(3), it is not entirely clear whether R.C. 2961.01 prohibits an Ohio felon from serving as a juror on a petit jury once the felon has completed his probation or a period of one or more community control sanctions. On the one hand, R.C. 2961.01 plainly states that, unless a person's felony conviction is reversed or annulled or the person is granted a full pardon by the Governor, the person is incompetent to serve as a juror. On the other hand, R.C. 2967.16(C)(3) restores to an Ohio felon the rights and privileges that were forfeited as a result of his felony conviction when the felon has completed his probation or period of one or more community control sanctions.

Nevertheless, reading R.C. 2961.01 and R.C. 2967.16 *in pari materia*, it would be reasonable to conclude that among the privileges forfeited by an Ohio felon under R.C. 2961.01 that can be restored under R.C. 2967.16 is that of serving as a juror on a petit jury. In 2006 Op. Att'y Gen. No. 2006-030 we addressed the question whether R.C. 2967.16(C) restores the privilege of holding an office of honor, trust, or profit, which had been forfeited by operation of R.C. 2961.01, to an Ohio felon when the felon is no longer subject to post-release control sanctions.⁷ At the outset of that opinion we observed that no court decision or Attorney General opinion had directly addressed and answered the question of whether the privilege of holding office that is forfeited by operation of R.C. 2961.01 "can be restored pursuant to R.C. 2967.16(C)." 2006 Op. Att'y Gen. No. 2006-030, slip op. at 6. In resolving this question, we thought it would be worthwhile to make a careful examination of the lengthy history of R.C. 2961.01 and R.C. 2967.16 and their statutory predecessors in order to determine what the General Assembly may have thought about the restoration of a felon's citizenship rights and privileges upon his satisfaction of various statutory criteria or conditions. *See generally* R.C. 1.49 ("[i]f a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters ... [t]he legislative history [and] ... [t]he common law or former statutory provisions, including laws upon the same or similar subjects"); *D.A.B.E., Inc. v.*

it exists on and after July 1, 1996, restores to a person who was convicted of a felony under the laws of Ohio prior to July 1, 1996, the privilege of serving as a juror on a petit jury once the person has completed his probation. *See generally State v. Moon*, Case No. 76AP-736, 1977 Ohio App. LEXIS 9189, at *4 (Franklin County Jan. 27, 1977) ("[t]he obvious implication of both R.C. 2961.01 and [R.C.] 2951.09 is that a convicted felon who receives no jail sentence or is not placed on probation is immediately eligible to be an elector pursuant to R.C. [2961.01] and is immediately eligible for consideration for restoration of his citizenship rights pursuant to R.C. 2951.09. A contrary holding would mean that the person committing the more aggravated offense and thus imprisoned or placed on probation would have superior rights to restoration of full citizenship than the offender whose offense was less aggravated and who received no prison sentence or whom the court did not believe required probation supervision").

⁷ As used in R.C. 2961.01 and R.C. Chapter 2967, a "[p]ost-release control sanction" is "a sanction that is authorized under [R.C. 2929.16-.18] and that is imposed upon a prisoner upon the prisoner's release from a prison term." R.C. 2967.01(O); *see* R.C. 2961.01(C)(3).

Toledo-Lucas Cty. Bd. of Health, 96 Ohio St. 3d 250, 2002-Ohio-4172, 773 N.E.2d 536, at ¶20 (2002) (statutes relating to the same subject matter must be read together in an attempt to “arrive at a reasonable construction giving the proper force and effect, if possible, to each statute”).

On the basis of that review, 2006 Op. Att’y Gen. No. 2006-030 advised that R.C. 2967.16(C) restores the privilege of holding a public office forfeited by a convicted felon under R.C. 2961.01 when the person complies with the conditions set forth in R.C. 2967.16(C). We summarized our reasons for so concluding as follows:

It is, accordingly, apparent that the General Assembly has, throughout most of our state’s history, exercised its prerogative under Ohio Const. art. V, § 4 by enacting legislation that deprives Ohio felons of rights and privileges that are incidents of state citizenship. During that same period the General Assembly has identified the means by which such rights and privileges might be restored to a convicted felon. At various times those rights and privileges could be restored by the reversal or annulment of a person’s felony conviction, the issuance of a gubernatorial pardon, or the satisfaction of certain statutory conditions.

Prior to 1881, the privilege of holding an office of honor, trust, or profit could be restored only if a felon succeeded in having his conviction reversed or annulled, or persuaded the Governor to grant him a pardon. With the enactment of Am. H.B. 372 in 1881, the General Assembly made it possible for a felon to be restored the privilege of holding public office if certain statutory conditions, which now are set forth in R.C. 2967.16(C), were satisfied. *See generally* 1932 Op. Att’y Gen. No. 4650, vol. II, p. 1130, at 1131 (“a person who has been convicted of a felony is no longer an elector, unless he shall have been pardoned or has had his citizenship and other rights restored in the manner provided by law”); 1916 Op. Att’y Gen. No. 1741, vol. II, p. 1113 (a person who has served the entire term fixed by a commutation of sentence, conditional or otherwise, is entitled to receive a certificate restoring the rights and privileges forfeited by his conviction on his compliance with G.C. 2161 (analogous provisions now set forth in R.C. 2967.16(C))).

We conclude, therefore, that, in addition to R.C. 2961.01, R.C. 2967.16(C) provides the means by which a person may have the privilege of holding an office of honor, trust, or profit restored to him. *See State ex rel. Gains v. Rossi*, 86 Ohio St. 3d at 622, 716 N.E.2d 204 (“R.C. 2961.01 does not expressly provide that the reversal, annulment, or pardon mentioned in that statute are the *sole* methods for a convicted felon to restore that person’s competency to hold an office of honor, trust, or profit”). *See generally Meeks v. Papadopulos*, 62 Ohio St. 2d 187, 191-92, 404 N.E.2d 159 (1980) (“the General Assembly, in enacting a statute, is assumed to have been aware of other statutory provisions concerning the subject matter of the enactment even if they are found in separate sections of the Code”); *Eggleston v. Harrison*, 61 Ohio St. 397, 404, 55 N.E. 993 (1900) (“[t]he presumption is that laws are passed with deliberation and with knowledge of all existing ones on the subject”). A person convicted of a felony under the laws of

Ohio who satisfies the conditions set forth in R.C. 2967.16(C) is restored the privilege of holding an office of honor, trust, or profit.

2006 Op. Att’y Gen. No. 2006-030, slip op. at 17-18.

As additional support for our conclusion, we stated further that, if the General Assembly had not intended for the restoration of a felon’s rights and privileges when the felon had satisfied certain statutory conditions, the General Assembly would not have used language in R.C. 2953.33(A) and R.C. 2967.17(B) referring to the restoration of those rights and privileges when he had satisfied those statutory conditions.⁸ *Id.* at 19. The use of such language in these statutes demonstrates that the General Assembly intended to restore a felon’s rights and privileges when the felon satisfies any of the conditions set forth in R.C. 2967.16(C). *Id.*

The analysis set forth in 2006 Op. Att’y Gen. No. 2006-030 also applies to the privilege of serving as a juror on a petit jury, which a person forfeits under R.C. 2961.01 upon being convicted of a felony under Ohio law.⁹ In particular, we find that service as a juror on a petit

⁸ R.C. 2953.33(A) restores to a person convicted of a felony under the laws of Ohio all rights and privileges not otherwise restored by termination of sentence, probation, or community control sanction or by final release on parole or post-release control. *See* note five, *supra*. R.C. 2967.17(B), which provides for the termination of jurisdiction over a particular sentence or prison term by the Adult Parole Authority for administrative convenience, states:

An administrative release does not restore for the person to whom it is granted the rights and privileges forfeited by conviction as provided in [R.C. 2961.01]. Any person granted an administrative release under this section may subsequently apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction, except that the privilege of circulating or serving as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition forfeited under [R.C. 2961.01] may not be restored under this section.

See also 1993-1994 Ohio Laws, Part II, 2384, 2384-85 (Sub. S.B. 242, eff. Oct. 6, 1994) (the version of R.C. 2967.17 that applies to a person who committed a felony prior to July 1, 1996, provides, in part, that an administrative release “shall not operate to restore the rights and privileges forfeited by conviction as provided in [R.C. 2961.01]. Any person granted an administrative release under this section may subsequently apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction”).

⁹ Obiter dictum in court decisions and an Attorney General opinion might suggest that R.C. 2961.01 forever bars an Ohio felon from serving as a juror on a petit jury. *See, e.g., State v. Madrigal*, 87 Ohio St. 3d 378, 392-93, 721 N.E.2d 52 (2000) (a felon may be removed from a petit jury for cause without inquiring into whether the felon’s rights and privileges have been

jury is a privilege that can be restored to an Ohio felon pursuant to the plain language of R.C. 2967.16(C)(3). Accordingly, R.C. 2967.16(C)(3) restores the privilege of serving as a juror on a petit jury to a person who was convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, and who has completed his probation or a period of one or more community control sanctions. *See generally* Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993, Standard 4 (“[a]ll persons should be eligible for jury service except those who ... [h]ave been convicted of a felony and have not had their civil rights restored”).¹⁰

Conclusions

In summary, it is my opinion, and you are hereby advised as follows:

1. Pursuant to R.C. 2961.01, a person who was convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, and who is on

restored under R.C. 2961.01), *cert. denied*, 531 U.S. 838 (2000); *State v. Golston*, 71 Ohio St. 3d 224, 227, 643 N.E.2d 109 (1994) (“a convicted felon is denied the privilege of serving as a juror, and may never hold an office of ‘honor, trust, or profit’”); 1962 Op. Att’y Gen. No. 3242, p. 678 (syllabus, paragraph one) (under R.C. 2961.01, “a person who is a citizen of this state with all rights of a citizen is upon conviction of a felony, incompetent to be an elector or juror, or to hold an office of honor, trust, or profit”). None of these authorities, however, directly addressed and answered the question whether R.C. 2967.16(C) restores the privilege of serving as a juror on a petit jury to an Ohio felon when the felon has completed his probation or a period of one or more community control sanctions. *But see State v. Coleman*, 45 Ohio St. 3d 298, 305, 544 N.E.2d 622 (1989) (“[w]hile R.C. 2951.09 provides that “* * * the judge of the court of common pleas may restore the defendant to his rights of citizenship, of which such convict may or shall have been deprived by reason of his conviction under [R.C. 2961.01] * * *” (emphasis added), there is no showing in the record that [the] rights of citizenship [of a juror who had been convicted of a felony] had been restored”), *cert. denied*, 493 U.S. 1051 (1990); *see also United States v. Cassidy*, 899 F.2d 543 (6th Cir. 1990) (indicating that the right to serve on a jury and hold a public office is restored to a person released from a state prison and granted a “Restoration to Civil Rights” certificate from the Ohio Adult Parole Authority); *State ex rel. Fink v. Registrar, Ohio Bur. of Motor Vehicles*, Case No. CA98-02-021, 1998 Ohio App. LEXIS 4261 (indicating that R.C. 2967.16 restores the rights and privileges forfeited under R.C. 2961.01); *State v. Moon*, Case No. 76AP-736, 1977 Ohio App. LEXIS 9189, at *3-4 (“R.C. 2951.09, within the discretion of the trial court, permits restoration of full citizenship rights after a convicted felon has completed the period of probation prescribed for him”).

¹⁰ Courts are required to adopt by local rule a jury management plan that addresses the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993, so as to ensure the efficient and effective use and management of jury resources. Ohio Sup. R. 5(B)(2).

probation or is serving a period of one or more community control sanctions, may not serve as a juror on a petit jury.

2. R.C. 2967.16(C)(3) restores the privilege of serving as a juror on a petit jury to a person who was convicted of a felony under the laws of Ohio prior to, or on or after July 1, 1996, and who has completed his probation or a period of one or more community control sanctions.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Petro", written in a cursive style.

JIM PETRO
Attorney General