

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. S. B. No. 32**

**Senator Eklund**

**Cosponsors: Senators Coley, Hoagland, Bacon, O'Brien, Dolan, Hackett, Hite,  
Huffman, LaRose, Lehner, Oelslager, Terhar, Uecker, Yuko**

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**A BILL**

To amend sections 2945.71 and 2945.73 of the 1  
Revised Code to provide a prosecutor an 2  
additional fourteen days to commence a trial 3  
after a person charged with a felony has been 4  
discharged because the person has not been 5  
brought to trial within the required amount of 6  
time and to authorize the court to release the 7  
person from detention in connection with those 8  
charges pending trial. 9

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

**Section 1.** That sections 2945.71 and 2945.73 of the 10  
Revised Code be amended to read as follows: 11

**Sec. 2945.71.** (A) Subject to division (D) of this section, 12  
a person against whom a charge is pending in a court not of 13  
record, or against whom a charge of minor misdemeanor is pending 14  
in a court of record, shall be brought to trial within thirty 15  
days after the person's arrest or the service of summons. 16

(B) Subject to division (D) of this section, a person 17

against whom a charge of misdemeanor, other than a minor  
misdemeanor, is pending in a court of record, shall be brought  
to trial as follows:

(1) Within forty-five days after the person's arrest or  
the service of summons, if the offense charged is a misdemeanor  
of the third or fourth degree, or other misdemeanor for which  
the maximum penalty is imprisonment for not more than sixty  
days;

(2) Within ninety days after the person's arrest or the  
service of summons, if the offense charged is a misdemeanor of  
the first or second degree, or other misdemeanor for which the  
maximum penalty is imprisonment for more than sixty days.

(C) A person against whom a charge of felony is pending:

(1) Notwithstanding any provisions to the contrary in  
Criminal Rule 5(B), shall be accorded a preliminary hearing  
within fifteen consecutive days after the person's arrest if the  
accused is not held in jail in lieu of bail on the pending  
charge or within ten consecutive days after the person's arrest  
if the accused is held in jail in lieu of bail on the pending  
charge;

(2) ~~Shall~~ Except as provided in division (C) of section  
2945.73 of the Revised Code, shall be brought to trial within  
two hundred seventy days after the person's arrest.

(D) A person against whom one or more charges of different  
degrees, whether felonies, misdemeanors, or combinations of  
felonies and misdemeanors, all of which arose out of the same  
act or transaction, are pending shall be brought to trial on all  
of the charges within the time period required for the highest  
degree of offense charged, as determined under divisions (A),

(B), and (C) of this section. 47

(E) For purposes of computing time under divisions (A), 48  
(B), (C) (2), and (D) of this section, each day during which the 49  
accused is held in jail in lieu of bail on the pending charge 50  
shall be counted as three days. This division does not apply for 51  
purposes of computing time under division (C) (1) of this section 52  
or for purposes of computing the fourteen-day period specified 53  
in section 2945.73 of the Revised Code. 54

(F) This section shall not be construed to modify in any 55  
way section 2941.401 or sections 2963.30 to 2963.35 of the 56  
Revised Code. 57

**Sec. 2945.73.** (A) A charge of felony shall be dismissed if 58  
the accused is not accorded a preliminary hearing within the 59  
time required by sections 2945.71 and 2945.72 of the Revised 60  
Code. Such dismissal has the same effect as a nolle prosequi. 61

(B) (1) Upon motion made at or prior to the commencement of 62  
trial, a person charged with ~~an offense~~ a misdemeanor shall be 63  
discharged if ~~he~~ the person is not brought to trial within the 64  
time required by sections 2945.71 and 2945.72 of the Revised 65  
Code. Such discharge is a bar to any further criminal 66  
proceedings against the person based on the same conduct. 67

~~(C)~~ (2) Regardless of whether a longer time limit may be 68  
provided by sections 2945.71 and 2945.72 of the Revised Code, a 69  
person charged with misdemeanor shall be discharged if ~~he~~ the 70  
person is held in jail in lieu of bond awaiting trial on the 71  
pending charge: 72

~~(1)~~ (a) For a total period equal to the maximum term of 73  
imprisonment which may be imposed for the most serious 74  
misdemeanor charged; 75

~~(2)(b)~~ For a total period equal to the term of 76  
imprisonment allowed in lieu of payment of the maximum fine 77  
which may be imposed for the most serious misdemeanor charged, 78  
when the offense or offenses charged constitute minor 79  
misdemeanors. 80

~~(D) When a charge of~~ (3) A discharge under division (B) (2) 81  
of this section is a bar to any further criminal proceedings 82  
against the person based on the same conduct. 83

~~(C) (1) A person charged with a felony is dismissed~~ 84  
~~pursuant to division (A) of this section, such dismissal has the~~ 85  
~~same effect as a nolle prosequi. When an accused is discharged~~ 86  
~~pursuant to division (B) or (C) of this section, such, who is~~ 87  
not brought to trial within the time required by sections 88  
2945.71 and 2945.72 of the Revised Code, is eligible for 89  
discharge is a bar to any further criminal proceedings against 90  
him based on the same conduct. release from detention. The court 91  
may release the person from any detention in connection with the 92  
charges pending trial and may impose any terms or conditions on 93  
the release that the court considers appropriate. 94

(2) Upon motion made at or before the commencement of 95  
trial, but not sooner than fourteen days before the day the 96  
person would become eligible for release pursuant to division 97  
(C) (1) of this section, the charges shall be dismissed with 98  
prejudice unless the person is brought to trial on those charges 99  
within fourteen days after the motion is filed and served on the 100  
prosecuting attorney. If no motion is filed, the charges shall 101  
be dismissed with prejudice unless the person is brought to 102  
trial on those charges within fourteen days after it is 103  
determined by the court that the time for trial required by 104  
sections 2945.71 and 2945.72 of the Revised Code has expired. 105

The fourteen-day period may be extended at the request of the 106  
accused or on account of the fault or misconduct of the accused. 107

**Section 2.** That existing sections 2945.71 and 2945.73 of 108  
the Revised Code are hereby repealed. 109