



John Eklund
State Senator, 18th District

Senate Building
1 Capitol Square
Columbus, Ohio 43215
Phone: 614.644.7718
Eklund@ohiosenate.gov

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Senator John Eklund – Sponsor Testimony
Senate Bill 32
House Criminal Justice Committee
June 6, 2017

Good Morning Chairman Manning, Vice-Chair Rezabek, Ranking Member Celebrezze, and members of the committee. Thank you for the opportunity to give sponsor testimony on Senate Bill 32 and to encourage your support on this legislation. SB 32 provides a prosecutor an additional 14 days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time.

SB 32 is intended to modify Ohio's speedy trial statute in order to avoid the disproportionate penalty for violation of the speedy trial statute.

Under current law, if the defendant is not brought to trial within the statutory time limit, the charges are dismissed with prejudice. As a consequence, the defendant cannot be further prosecuted on those charges, no matter how slight the violation, no matter how serious the charges, and even though the violation does not prejudice the defendant. I believe the remedy, dismissal with prejudice, is greatly out of proportion to the nature of the violation.

SB 32 changes this by making the defendant eligible for discharge (meaning released from confinement, if being held) if the speedy trial limit is violated, but the charges are not dismissed and the state retains the option to prosecute the defendant on those charges provided that the trial is commenced within fourteen days after the discharge. This will bring Ohio into line with most states that do not require a dismissal with prejudice.

Current law has resulted in a miscarriage of justice in many cases where the defendant escapes liability for his criminal conduct simply because the trial date was mistakenly set beyond the statutory time limit. This proposal will avoid the harsh consequences of what is usually an innocent and inconsequential violation of an arbitrary statutory time limit.

During the senate process there were two provisions added; (1) refining the time to file a motion and meaning of "discharge" and (2) clarifying the computing time while the defendant is held in jail.

Thank you for the opportunity to provide testimony on Senate Bill 32, and I will be glad to answer any questions you may have.