As Introduced

133rd General Assembly

Regular Session 2019-2020

S. B. No. 48

Senator Eklund

Cosponsors: Senators Huffman, M., Fedor, Williams

A BILL

Го	amend sections 294	15.71 and 2945.7	3 of the	-
	Revised Code to na	rrow the scope	of speedy trial	2
	rules.			1

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

Section 1. That sections 2943.71 and 2943.73 of the	4
Revised Code be amended to read as follows:	5
Sec. 2945.71. (A) Subject to division (D) of this section,	6
a person against whom a charge is pending in a court not of	7
record, or against whom a charge of minor misdemeanor is pending	8
in a court of record, shall be brought to trial within thirty	9
days after the person's arrest or the service of summons.	10
(B) Subject to division (D) of this section, a person	11
against whom a charge of misdemeanor, other than a minor	12
misdemeanor, is pending in a court of record, shall be brought	13
to trial as follows:	14
(1) Within forty-five days after the person's arrest or	15
the service of summons, if the offense charged is a misdemeanor	16
of the third or fourth degree, or other misdemeanor for which	17
the maximum penalty is imprisonment for not more than sixty	18

days;	19
(2) Within ninety days after the person's arrest or the	20
service of summons, if the offense charged is a misdemeanor of	21
the first or second degree, or other misdemeanor for which the	22
maximum penalty is imprisonment for more than sixty days.	23
(C) A person against whom a charge of felony is pending:	24
(1) Notwithstanding any provisions to the contrary in	25
Criminal Rule 5(B), shall be accorded a preliminary hearing	26
within fifteen consecutive days after the person's arrest if the	27
accused is not held in jail in lieu of bail on the pending	28
charge or within ten consecutive days after the person's arrest	29
if the accused is held in jail in lieu of bail on the pending	30
charge;	31
(2) Shall-Except as provided in division (C) of section_	32
2945.73 of the Revised Code, shall be brought to trial within	
two hundred seventy days after the person's arrest.	34
	2.5
(D) A person against whom one or more charges of different	35
degrees, whether felonies, misdemeanors, or combinations of	36
felonies and misdemeanors, all of which arose out of the same	37
act or transaction, are pending shall be brought to trial on all	38
of the charges within the time period required for the highest	39
degree of offense charged, as determined under divisions (A),	40
(B), and (C) of this section.	41
(E) For purposes of computing time under divisions (A),	42
(B), (C)(2), and (D) of this section, each day during which the	43
accused is held in jail in lieu of bail on the pending charge	44
shall be counted as three days. This division does not apply for	45
purposes of computing time under division (C)(1) of this section	46
or for purposes of computing the fourteen-day period specified	47

in section 2945.73 of the Revised Code.	48
(F) This section shall not be construed to modify in any	49
way section 2941.401 or sections 2963.30 to 2963.35 of the	50
Revised Code.	51
Sec. 2945.73. (A) A charge of felony shall be dismissed if	52
the accused is not accorded a preliminary hearing within the	53
time required by sections 2945.71 and 2945.72 of the Revised	54
Code. Such dismissal has the same effect as a nolle prosequi.	55
(B) $\underline{(1)}$ Upon motion made at or prior to the commencement of	56
trial, a person charged with an offense a misdemeanor shall be	57
discharged if he the person is not brought to trial within the	58
time required by sections 2945.71 and 2945.72 of the Revised	59
Code. Such discharge is a bar to any further criminal	60
proceedings against the person based on the same conduct.	61
(C) (2) Regardless of whether a longer time limit may be	62
provided by sections 2945.71 and 2945.72 of the Revised Code, a	63
person charged with misdemeanor shall be discharged if he the	64
person is held in jail in lieu of bond awaiting trial on the	65
pending charge:	66
$\frac{(1)}{(a)}$ For a total period equal to the maximum term of	67
imprisonment which may be imposed for the most serious	68
misdemeanor charged;	69
(2) (b) For a total period equal to the term of	70
imprisonment allowed in lieu of payment of the maximum fine	71
which may be imposed for the most serious misdemeanor charged,	72
when the offense or offenses charged constitute minor	73
misdemeanors.	74
(D) When a charge of (3) A discharge under division (B)(2)	75
of this section is a bar to any further criminal proceedings	76

against the person based on the same conduct.	
(C)(1) A person charged with a felony—is dismissed—	78
pursuant to division (A) of this section, such dismissal has the	79
same effect as a nolle prosequi. When an accused is discharged	80
pursuant to division (B) or (C) of this section, such , who is	81
not brought to trial within the time required by sections	82
2945.71 and 2945.72 of the Revised Code, is eligible for	83
discharge is a bar to any further criminal proceedings against-	84
him based on the same conduct release from detention. The court	85
may release the person from any detention in connection with the	86
charges pending trial and may impose any terms or conditions on	87
the release that the court considers appropriate.	88
(2) Upon motion made at or before the commencement of	89
trial, but not sooner than fourteen days before the day the	90
person would become eligible for release pursuant to division	91
(C) (1) of this section, the charges shall be dismissed with	92
prejudice unless the person is brought to trial on those charges	93
within fourteen days after the motion is filed and served on the	94
prosecuting attorney. If no motion is filed, the charges shall	95
be dismissed with prejudice unless the person is brought to	96
trial on those charges within fourteen days after it is	97
determined by the court that the time for trial required by	98
sections 2945.71 and 2945.72 of the Revised Code has expired.	99
The fourteen-day period may be extended at the request of the	100
accused or on account of the fault or misconduct of the accused.	101
Section 2. That existing sections 2945.71 and 2945.73 of	102
the Revised Code are hereby repealed.	103