

As Reported by the Senate Judiciary Committee

133rd General Assembly

Regular Session

2019-2020

S. B. No. 48

Senator Eklund

Cosponsors: Senators Huffman, M., Fedor, Williams, Coley

A BILL

To amend sections 2945.71 and 2945.73 of the 1
Revised Code to narrow the scope of speedy trial 2
rules. 3

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

Section 1. That sections 2945.71 and 2945.73 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 33
two hundred seventy days after the person's arrest. 34

(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) (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

~~(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. 77

(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