

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 48**

**Senator Eklund**

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

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**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