

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 143

**Senator Eklund
Cosponsors: Senators Hite, Seitz, Patton**

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. 7

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

Section 1. That sections 2945.71 and 2945.73 of the 8
Revised Code be amended to read as follows: 9

Sec. 2945.71. (A) Subject to division (D) of this section, 10
a person against whom a charge is pending in a court not of 11
record, or against whom a charge of minor misdemeanor is pending 12
in a court of record, shall be brought to trial within thirty 13
days after the person's arrest or the service of summons. 14

(B) Subject to division (D) of this section, a person 15
against whom a charge of misdemeanor, other than a minor 16
misdemeanor, is pending in a court of record, shall be brought 17
to trial as follows: 18

(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 (D) 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.

(E) For purposes of computing time under divisions (A), (B), (C) (2), and (D) of this section, each day during which the

accused is held in jail in lieu of bail on the pending charge 48
shall be counted as three days. This division does not apply for 49
purposes of computing time under division (C) (1) of this 50
section. 51

(F) This section shall not be construed to modify in any 52
way section 2941.401 or sections 2963.30 to 2963.35 of the 53
Revised Code. 54

Sec. 2945.73. (A) A charge of felony shall be dismissed if 55
the accused is not accorded a preliminary hearing within the 56
time required by sections 2945.71 and 2945.72 of the Revised 57
Code. 58

(B) Upon motion made at or prior to the commencement of 59
trial, a person charged with an offense shall be discharged if 60
~~he~~ the person is not brought to trial within the time required 61
by sections 2945.71 and 2945.72 of the Revised Code. 62

(C) Regardless of whether a longer time limit may be 63
provided by sections 2945.71 and 2945.72 of the Revised Code, a 64
person charged with misdemeanor shall be discharged if ~~he~~ the 65
person is held in jail in lieu of bond awaiting trial on the 66
pending charge: 67

(1) For a total period equal to the maximum term of 68
imprisonment which may be imposed for the most serious 69
misdemeanor charged; 70

(2) For a total period equal to the term of imprisonment 71
allowed in lieu of payment of the maximum fine which may be 72
imposed for the most serious misdemeanor charged, when the 73
offense or offenses charged constitute minor misdemeanors. 74

(D) When a charge of felony is dismissed pursuant to 75
division (A) of this section, such dismissal has the same effect 76

as a nolle prosequi. When an accused charged with a misdemeanor 77
is discharged pursuant to division (B) or (C) of this section, 78
such discharge is a bar to any further criminal proceedings 79
against ~~him~~ the accused based on the same conduct. When an 80
accused charged with a felony is discharged pursuant to division 81
(B) of this section, the court shall dismiss the charges unless 82
trial on those charges is commenced within fourteen days after 83
the discharge or finding. Trial may be commenced at any time 84
after the fourteen-day period at the request of the accused or 85
on account of the fault or misconduct of the accused. 86

(E) As used in this section, "discharged" means that the 87
accused is released from any detention in connection with the 88
pending charges. 89

Section 2. That existing sections 2945.71 and 2945.73 of 90
the Revised Code are hereby repealed. 91