

AN ACT

To amend section 2945.71 of the Revised Code to clarify the manner in which the "speedy trial" law applies to a criminal defendant charged with multiple offenses of different degrees.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2945.71 of the Revised Code be amended to read as follows:

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

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

(1) Within forty-five days after ~~his~~ 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 ~~his~~ 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 ~~his~~ 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 ~~his~~ the person's arrest if the accused is held in jail in lieu of bail on the pending charge;

(2) Shall be brought to trial within two hundred seventy days after ~~his~~ the person's arrest.

(D) A person against whom one or more charges ~~of minor misdemeanor~~ ~~and one or more charges of misdemeanor other than minor misdemeanor~~, all of which arose out of the same act or transaction, are pending, or against whom charges of misdemeanors of different degrees, ~~other than minor misdemeanors~~ 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 ~~misdemeanor~~ offense charged, as determined under ~~division~~ 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 shall be counted as three days. This division does not apply for purposes of computing time under division (C)(1) of this section.

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

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SECTION 2. That existing section 2945.71 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____