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Final Analysis
Legislative Service Commission

S.B. 49

123rd General Assembly
(As Passed by the General Assembly)

Sens. Cupp, Latta, Watts, Blessing, Drake, Spada, Mumper

Reps. Tiberi, Amstutz, Brading, Damschroder, Buchy, Corbin, Roman, Core, Salerno, Terwilleger, Coughlin, Austria, DePiero

Effective date: October 29, 1999

ACT SUMMARY

- Modifies the Speedy Trial Law to specify that, when a person is charged with multiple offenses of different degrees, whether felonies, misdemeanors, or combinations of felonies and misdemeanors, all of which arose out of the same act or transaction, the person must be brought to trial within the time period required for the highest degree of offense charged.

CONTENT AND OPERATION

Introduction

The Speedy Trial Law specifies periods of time within which a person who is charged with an offense must be brought to trial and, if the charge is a felony, must be accorded a preliminary hearing, and provide sanctions for failing to comply with the specified time periods.

General time periods

Continuing law

R.C. 2945.71 prescribes the general periods of time within which a person must be brought to trial and accorded a preliminary hearing. It specifies that (R.C. 2945.71(A) to (C)):

(1) A person against whom a charge is pending in a court not of record (i.e., a mayor's court), or against whom a minor misdemeanor charge is pending in

a court of record, must be brought to trial within 30 days after the person's arrest or the service of summons.

(2) A person against whom a misdemeanor charge is pending in a court of record must be brought to trial within 45 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 another misdemeanor for which the maximum penalty is imprisonment for not more than 60 days.

(3) A person against whom a misdemeanor charge is pending in a court of record must be brought to trial within 90 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 another misdemeanor for which the maximum penalty is imprisonment for more than 60 days.

(4) A person against whom a charge of felony is pending must be accorded a preliminary hearing, notwithstanding any provision to the contrary in Criminal Rule 5(B), within 15 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. The person must be brought to trial within 270 days after the person's arrest.

Operation of the act

The act does not modify the general time periods described above. But it specifies that the time periods described for misdemeanors, above, are subject to the act's modifications to existing law's "**Time periods when multiple misdemeanor charges pending**," as described below. (R.C. 2945.71(A) and (B).)

Time periods when multiple charges pending

Prior law

R.C. 2945.71(D) provided that a person against whom one or more minor misdemeanor charges and one or more misdemeanor charges other than minor misdemeanor, all of which arose out of the same act or transaction, were pending, or against whom charges of misdemeanors of different degrees, other than minor misdemeanors, all of which arose out of the same act or transaction, were pending was required to be brought to trial within the time period required for the highest degree of misdemeanor charged, as determined under the provisions described above.

The Speedy Trial Law did not address the situation in which a person is charged with both misdemeanors and felonies.

Operation of the act

The act modifies the portion of the Speedy Trial Law that is used to determine the time within which a person charged with multiple misdemeanor offenses must be brought to trial to make it apply in all situations in which a person is charged with multiple charges of different degrees. Under the act, 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 must be brought to trial on all of the charges within the time period required for the highest degree of offense charged, as determined under the provisions of continuing law that set forth the general periods of time within which a person charged with a criminal offense must be brought to trial, as described above in "**General time periods.**" (R.C. 2945.71(D).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-02-99	p. 96
Reported, S. Judiciary	03-18-99	p. 216
Passed Senate (33-0)	03-24-99	pp. 237-238
Reported, H. Criminal Justice	06-29-99	p. 1122
Passed House (97-0)	06-30-99	pp. 1135-1136

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