



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Nicholas A. Keller

### **Am. S.B. 32\***

132nd General Assembly  
(As Reported by S. Judiciary)

**Sens.** Eklund, Coley, Hoagland

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### **BILL SUMMARY**

- Allows the court to release from custody a person charged with a felony who has not been brought to trial within the required amount of time without dismissing charges against the person.
  - Allows for a time-for-trial motion to be filed and served on the prosecuting attorney within 14 days before an accused must be brought to trial under continuing law.
  - Requires charges to be dismissed with prejudice if a person charged with a felony is not brought to trial within 14 days after a time-for-trial motion is filed or within 14 days after the court determines that the continuing law time for trial has passed.
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### **CONTENT AND OPERATION**

#### **Timely trial for a charged felon**

The bill grants a prosecutor additional time to begin a trial after a charged felon has been discharged because the person has not had a timely trial. Under continuing law, the time for trial of a person charged with a felony is 270 days. For purposes of computing the 270 days, continuing law provides that each day during which the accused is held in jail in lieu of bail on the pending charge must be counted as three days.<sup>1</sup>

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\* This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

<sup>1</sup> R.C. 2945.71(C) and (E).

Under the bill, when a charged felon is not brought to trial within 270 days after the person's arrest, the person is eligible for release from detention. The court may release the person from any detention in connection with the charges pending trial and may impose any terms or conditions on the release that the court considers appropriate.

If a motion is made before the commencement of the trial, but no sooner than 14 days before the day the person would become eligible for release from detention under the bill, the person must be brought to trial on the pending charges within 14 days after the motion is filed and served on the prosecuting attorney. If no motion is filed, the accused must be brought to trial within 14 days after the court determines that the 270 day time for trial has expired. If the accused is not brought to trial within the applicable 14-day time period, the charges must be dismissed with prejudice. The 14-day period may be extended at the request of the accused or because of the accused's fault or misconduct.<sup>2</sup> The bill specifies that the three-for-one counting that applies to the 270 day time for trial, as described above, does not apply to the 14-day extension to commence a trial under the bill.<sup>3</sup>

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## HISTORY

ACTION	DATE
Introduced	02-06-17
Reported, S. Judiciary	---

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<sup>2</sup> R.C. 2945.73(C).

<sup>3</sup> R.C. 2945.71(E).

