

HB0213S01 compared with HB0213

~~{Omitted text}~~ shows text that was in HB0213 but was omitted in HB0213S01

inserted text shows text that was not in HB0213 but was inserted into HB0213S01

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1 **Criminal Proceedings Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Nelson T. Abbott
Senate Sponsor:



2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the right to a speedy trial in a criminal case.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ ~~{grants}~~ establishes time periods for a ~~{criminal}~~ court to set a criminal matter for trial if a
defendant or victim requests a ~~{right to be brought to}~~ speedy trial ~~{within a certain time period}~~ ;
- 10 ▶ authorizes a court to ~~{extend}~~ set a criminal matter for trial after the expiration of the applicable
time period under certain circumstances;and
- 11 ▶ ~~{provides that certain time periods are excluded in calculating the time period by which a~~
~~defendant has a right to be brought to trial;}~~
- 13 ▶ ~~{requires a court to take certain actions if a time period expires; and}~~
- 14 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

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16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **77-1-6** , as last amended by Laws of Utah 2025, Chapter 302

21 ENACTS:

22 **77-17-14 , Utah Code Annotated 1953**

23 ~~{77-17-201 , Utah Code Annotated 1953}~~

24 ~~{77-17-202 , Utah Code Annotated 1953}~~

25 ~~{77-17-203 , Utah Code Annotated 1953}~~

26 ~~{77-17-204 , Utah Code Annotated 1953}~~

27 ~~{77-17-205 , Utah Code Annotated 1953}~~

23

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **77-1-6** is amended to read:

26 **77-1-6. Rights of defendant.**

32 (1) In a criminal [prosecutions] prosecution, the defendant [is entitled to] has a right to:

33 (a) appear in person and defend in person or by counsel;

34 (b) receive a copy of the accusation filed against the defendant;

35 (c) testify in the defendant's own behalf;

36 (d) be confronted by the witnesses against the defendant;

37 (e) have compulsory process to ~~[insure]~~ ensure the attendance of witnesses in the defendant's behalf;

39 (f) a speedy public trial[-] :

40 (i) by an impartial jury of the county or district where the offense is alleged to have been committed;

and

42 (ii) in accordance with time periods described in { Chapter 17, Part 2, Right to a Speedy Trial } Section
77-17-14;

44 (g) ~~[the right of]~~ an appeal in all cases; and

45 (h) be admitted to bail in accordance with ~~[provisions of law, or be entitled to a trial within 30 days~~
~~after arraignment if unable to post bail and if the business of the court permits]~~ Utah Constitution,
Article I, Section 8, and Chapter 20, Bail.

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- 48 (2) In addition:
- 49 (a) no person shall be put twice in jeopardy for the same offense;
- 50 (b) no accused person shall, before final judgment, be compelled to advance money or fees to secure
rights guaranteed by the Constitution or the laws of Utah, or to pay the costs of those rights when
received;
- 53 (c) no person shall be compelled to give evidence against himself or herself;
- 54 (d) an individual may not be compelled to testify against the individual's spouse; and
- 55 (e) no person shall be convicted unless by verdict of a jury, or upon a plea of guilty or no contest, or
upon a judgment of a court when trial by jury has been waived or, in case of an infraction, upon a
judgment by a magistrate.

52 Section 2. Section 2 is enacted to read:

77-17-14. Time periods for a speedy trial.

- 54 (1) As used in this section:
- 55 (a) "Defendant in pretrial detention" means an individual who, while awaiting trial or other resolution
of a pending criminal offense, is:
- 57 (i) held in custody by law enforcement; and
- 58 (ii) not imprisoned for another offense.
- 59 (b) "Defendant not in pretrial detention" means an individual who, while awaiting trial or other
resolution of a pending criminal offense, is:
- 61 (i) not held in custody by law enforcement; or
- 62 (ii) imprisoned for another offense.
- 63 (c) "Victim" means the same as that term is defined in Section 77-37-2.
- 64 (2) Except as provided in Subsection (3), and subject to Subsection (4):
- 65 (a) if a defendant in pretrial detention files a written request for a speedy trial on the defendant's
pending criminal offense, the court shall set the case for trial within 90 days after the day on which
the request is filed;
- 68 (b) if a defendant not in pretrial detention files a written request for a speedy trial on the defendant's
pending criminal offense, the court shall set the matter for trial within 180 days after the day on
which the request is filed; and
- 71 (c) if a victim of a pending criminal offense files a written request for a speedy trial, the court shall set
the matter for trial within 180 days after the day on which the request is filed.

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- 74 (3) A court may set a matter for trial after the expiration of the applicable time period described in
75 Subsection (2) if:
- 76 (a) the court determines that the case is of such complexity that additional time is necessary for the
77 parties to adequately prepare for pretrial proceedings or trial;
- 78 (b) the court is unable to bring the defendant to trial within the applicable time period due to:
- 80 (i) the volume of other matters pending before the court that prevents scheduling a trial within the time
81 period;
- 82 (ii) the unavailability of essential court personnel, facilities, or resources necessary to conduct the trial
83 within the time period; or
- 84 (iii) the defendant's failure to appear;
- 85 (c) the prosecuting attorney needs additional time to prepare for trial due to the prosecuting attorney's
86 volume of cases;
- 87 (d)
- 88 (i) a defendant requests a speedy trial under Subsection (2)(a) or (2)(b);
- 89 (ii) the defendant or the defendant's counsel requests a continuance; and
- 90 (iii) the court grants the continuance;
- 91 (e)
- 92 (i) a victim requests a speedy trial under Subsection (2)(c);
- 93 (ii) a defendant objects to the request for good cause; and
- 94 (iii) the court finds good cause to deny the request;
- 95 (f) setting the trial within the applicable time period would interfere with the due process rights of a
96 party; or
- 97 (g) a delay is necessary to accommodate:
- 98 (i) a codefendant;
- 99 (ii) the filing and disposition of an interlocutory appeal; or
- 100 (iii) the defendant's appearance for a court proceeding in a different case.
- 101 (4) In computing a time period described in Subsection (2), a court shall exclude any period of time
102 described in Subsection 77-15-7(2).

58 Section 2. Section 2 is enacted to read:

Part 2. Right to a Speedy Trial

77-17-201. Definitions for part.

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As used in this part:

62 (1) "Charging instrument" means:

63 (a) a citation described in Section 77-7-18;

64 (b) an indictment; or

65 (c) an information.

66 (2) "Defendant in pretrial detention" means an individual who, while awaiting trial or other resolution of a pending criminal offense, is:

68 (a) held in custody by law enforcement; and

69 (b) not imprisoned for another offense.

70 (3) "Defendant not in pretrial detention" means an individual who, while awaiting trial or other resolution of a pending criminal offense, is:

72 (a) not held in custody by law enforcement; or

73 (b) imprisoned for another offense.

74 Section 3. Section 3 is enacted to read:

75 **77-17-202. Time periods for a speedy trial.**

76 (1) A defendant in pretrial detention has a right in a criminal case to be brought to trial within 90 days after:

78 (a) except as provided in Subsection (1)(b), (c), or (d), the day of the defendant's first appearance following the filing or issuance of a charging instrument;

80 (b) the day on which the court declares a mistrial if the defendant is to be retried after a mistrial;

82 (c) the day on which the retrial order becomes final if the defendant is to be retried after a successful appeal or collateral attack on the conviction; or

84 (d) the day of the defendant's first appearance in court following the filing or issuance of a subsequent charging instrument, if:

86 (i) the original charging instrument is dismissed; and

87 (ii) the prosecuting attorney subsequently charges the defendant with the same offense arising out of the same criminal episode as the original charging instrument.

90 (2) A defendant not in pretrial detention has a right in a criminal case to be brought to trial within 180 days after:

92 (a) except as provided in Subsection (2)(b), (c), or (d), the day of the defendant's first appearance following the filing or issuance of a charging instrument;

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- 94 (b) the day on which the court declares a mistrial if the defendant is to be retried after a mistrial;
96 (c) the day on which the retrial order becomes final if the defendant is to be retried after a successful
appeal or collateral attack on the conviction; or
98 (d) the day of the defendant's first appearance in court following the filing or issuance of a subsequent
charging instrument, if:
100 (i) the original charging instrument is dismissed; and
101 (ii) the prosecuting attorney subsequently charges the defendant with the same offense arising out of the
same criminal episode as the original charging instrument.
104 (3)
(a) Notwithstanding Subsections (1) and (2), the court may, on the court's own motion or upon motion
by either party, before trial extend the time period by which a defendant has a right to be brought to
trial to a period that is longer than the applicable time period under Subsection (1) or (2) if:
108 (i) the court determines that the case is of such complexity that additional time is necessary for the
parties to adequately prepare for pretrial proceedings or trial;
110 (ii) the court is unable to bring the defendant to trial within the time period due to:
111 (A) the volume of other matters pending before the court that prevents scheduling a trial within the time
period; or
113 (B) the unavailability of essential court personnel, facilities, or resources necessary to conduct the trial
within the time period; or
115 (iii)
(A) the defendant is joined for trial with another defendant who has a right to be brought to trial within
a time period that expires after the defendant's time period expires;
118 (B) the court finds that, for reasons stated on the record, the interests of justice served by the joinder
outweigh the defendant's right to have the trial held within the time period; and
121 (C) the court extends the defendant's time period to match the other defendant's time period.
123 (b) If the court extends a time period under Subsection (3)(a)(ii), the defendant has a right to be brought
to trial at the earliest possible date.
125 (4)
(a) Notwithstanding Subsections (1) and (2), the court may, on the court's own motion or upon motion
by either party, before trial shorten a time period by which a defendant has a right to be brought to
trial to a period that is shorter than the applicable time period under Subsection (1) or (2) if:

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- 129 (i) a charge against the defendant is dismissed and the prosecuting attorney subsequently charges
132 the defendant with the same offense arising out of the same criminal episode; or
133 (ii) the defendant is to be retried after a mistrial.
133 (b) In determining whether to shorten a time period under Subsection (4)(a)(i), the court shall consider:
135 (i) the degree to which the new charge is different from the original charge;
136 (ii) the extent to which the new charging instrument alleges an offense or material facts that the
prosecution knew at the time prosecution filed the original charge;
138 (iii) the period of time that elapsed between the defendant's first appearance on the original charge and
the defendant's first appearance on the new charge;
140 (iv) the reason for the dismissal, including whether the reason was to avoid the expiration of a time
period under this part; and
142 (v) any other factor which, in the interests of justice, affects the time in which the defendant will be
tried on the new charge.

144 Section 4. Section 4 is enacted to read:

145 **77-17-203. Excluded periods.**

- 146 (1) In computing the time by which a defendant has a right to be brought to trial under this part, the
following time periods are excluded:
148 (a) a period beginning on the day a party files a petition for a competency evaluation under Section
77-15-3 or 77-15-3.5, or the court raises the issue of competency under Section 77-15-4, and ending
on the day the court determines that the defendant is competent to stand trial;
152 (b) a period beginning on the day a party files an interlocutory appeal and ending on the day of the final
disposition of the appeal;
154 (c) each day the defendant appears for a court proceeding in a different case;
155 (d) if a continuance is granted at the request or with the consent of the defendant or the defendant's
counsel, the length of time of the continuance;
157 (e) a period beginning on the day the defendant fails to appear for a scheduled court proceeding and
ending on the day the defendant next appears before the court; and
159 (f) any other reasonable period of time when the court determines that the interests of justice served by
excluding the time period outweigh the defendant's right to have the trial held within a time period
under this part.

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(2) A defendant who has waived the right to counsel and is proceeding pro se has not consented to a continuance under Subsection (1)(d) unless the court has advised the defendant of the right to a speedy trial and the effect of the defendant's consent.

165 (3) A court may not exclude a time period described in Subsection (1)(f) unless the court states, on the record, the court's reasons for finding that the interests of justice served by excluding the time period outweigh the defendant's right to have the trial held within the applicable time period under this part.

169 (4)

(a) Time required to consider and resolve a pretrial motion not described in Subsection (1) is not automatically excluded under this section.

171 (b) The court may exclude time described in Subsection (4)(a) upon a party's request or under Subsection (1)(f).

173 Section 5. Section 5 is enacted to read:

174 **77-17-204. Implementation of time period for a speedy trial.**

175 (1) At a defendant's first appearance following the filing of a charging instrument, the court shall:

177 (a) advise the defendant of the right to a speedy trial and the time by which the defendant has a right to be brought to trial under Section 77-17-202; and

179 (b) inform the defendant of the excluded periods described in Section 77-17-203.

180 (2) If the court changes the time period by which the defendant has a right to be brought to trial after the court advises the defendant under Subsection (1)(a), the court shall:

182 (a) state the reasons for the change on the record;

183 (b) notify the prosecution and defense of the new time period by which the defendant has a right to be brought to trial; and

185 (c) note the new time period on the record.

186 Section 6. Section 6 is enacted to read:

187 **77-17-205. Effects of exceeding time period for a speedy trial.**

188 (1)

(a) Except as provided in Subsection (1)(b), if a defendant in pretrial detention has not been brought to trial and the case remains pending on the day the time period under this part expires, the court shall:

191 (i) if a condition or combination of conditions of release will reasonably ensure the safety of the community or any individual:

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- 196 (A) order that the defendant be released from detention under conditions set in accordance with Section
198 77-20-205, that best minimize the risks of flight and danger to the community or any individual; and
- 200 (B) set the trial to begin within 180 days after the day on which the defendant is released; or
202 (ii) if no condition or combination of conditions of release will reasonably ensure the safety of the
204 community or any individual:
- 206 (A) set the trial to begin within 15 days after the day on which the time period expires; or
208 (B) set the trial to begin within 45 days after the day on which the time period expires upon the request
210 of the defendant.
- 212 (b) If the court sets the trial to begin under Subsection (1)(a)(ii)(A) or (1)(a)(ii)(B), and the trial does
214 not begin within the set time period, the court shall:
- 216 (i) order that the defendant be released from detention under conditions set in accordance with Section
218 77-20-205, that, to the extent reasonably possible, minimize the risks of flight and danger to the
220 community or any individual; and
- 222 (ii) set the trial to begin within 180 days after the day on which the defendant is released.
- 224 (2)
- 226 (a) If a defendant not in pretrial detention has not been brought to trial and the case is pending on the
228 day the time period under this part expires, the court shall:
- 230 (i) dismiss the prosecution with prejudice; or
232 (ii) after affording the parties and any victims the opportunity to be heard, extend the time period in
234 the interests of justice for a period:
- 236 (A) not to exceed 30 days after the day on which the time period expires; or
238 (B) not to exceed 75 days after the day on which the time period expires upon the request of the
240 defendant.
- 242 (b) In making a determination under Subsection (2)(a)(ii), the court shall consider the totality of the
244 circumstances, including:
- 246 (i) the gravity of the offense;
248 (ii) the reasons for the failure to bring the defendant to trial within the time period;
250 (iii) the extent to which the prosecution or the defense is responsible for the delay;
252 (iv) the extent of the prejudice to the defense, the prosecution, or the public that may result from the
254 extension; and
256 (v) the effect an extension would have on any victims.

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- 227 (c) If a court orders an extension under Subsection (2)(a)(ii) and the trial does not commence within the
extended time period, the court shall dismiss the prosecution with prejudice.
- 230 (3) In making a determination concerning detention, dismissal, or setting a trial date under this section,
the court shall state, on the record, the reasons for the court's determination.
- 232 (4) Dismissal of prosecution with prejudice under this section forever bars prosecution for the offense
charged and for any other offense required to be joined with that offense.

101 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-2-26 12:10 PM