

Criminal Proceedings Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor:

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- defines terms;
- grants a criminal defendant a right to be brought to trial within a certain time period;
- authorizes a court to extend a time period under certain circumstances;
- provides that certain time periods are excluded in calculating the time period by which a defendant has a right to be brought to trial;
- requires a court to take certain actions if a time period expires; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

ENACTS:

77-17-201, Utah Code Annotated 1953

77-17-202, Utah Code Annotated 1953

77-17-203, Utah Code Annotated 1953

77-17-204, Utah Code Annotated 1953

77-17-205, Utah Code Annotated 1953

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

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

77-1-6 . Rights of defendant.

- (1) In a criminal [prosecutions] prosecution, the defendant [is entitled to] has a right to:
- (a) appear in person and defend in person or by counsel;
 - (b) receive a copy of the accusation filed against the defendant;
 - (c) testify in the defendant's own behalf;
 - (d) be confronted by the witnesses against the defendant;
 - (e) have compulsory process to ~~[insure]~~ ensure the attendance of witnesses in the defendant's behalf;
 - (f) a speedy public trial[-] :
 - (i) by an impartial jury of the county or district where the offense is alleged to have been committed; and
 - (ii) in accordance with time periods described in Chapter 17, Part 2, Right to a Speedy Trial;
 - (g) ~~[the right of]~~ an appeal in all cases; and
 - (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.
- (2) In addition:
- (a) no person shall be put twice in jeopardy for the same offense;
 - (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;
 - (c) no person shall be compelled to give evidence against himself or herself;
 - (d) an individual may not be compelled to testify against the individual's spouse; and
 - (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.

Section 2. Section **77-17-201** is enacted to read:

Part 2. Right to a Speedy Trial**77-17-201 . Definitions for part.**

As used in this part:

- (1) "Charging instrument" means:
- (a) a citation described in Section 77-7-18;
 - (b) an indictment; or

(c) an information.

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

(a) held in custody by law enforcement; and

(b) not imprisoned for another offense.

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

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

(b) imprisoned for another offense.

Section 3. Section **77-17-202** is enacted to read:

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

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

(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;

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

(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

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

(i) the original charging instrument is dismissed; and

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

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

(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;

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

(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

(d) the day of the defendant's first appearance in court following the filing or issuance of

99 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
102 offense arising out of the same criminal episode as the original charging
103 instrument.

104 (3)(a) Notwithstanding Subsections (1) and (2), the court may, on the court's own
105 motion or upon motion by either party, before trial extend the time period by which a
106 defendant has a right to be brought to trial to a period that is longer than the
107 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
109 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
112 a trial within the time period; or

113 (B) the unavailability of essential court personnel, facilities, or resources
114 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
116 be brought to trial within a time period that expires after the defendant's time
117 period expires;

118 (B) the court finds that, for reasons stated on the record, the interests of justice
119 served by the joinder outweigh the defendant's right to have the trial held
120 within the time period; and

121 (C) the court extends the defendant's time period to match the other defendant's
122 time period.

123 (b) If the court extends a time period under Subsection (3)(a)(ii), the defendant has a
124 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
126 motion or upon motion by either party, before trial shorten a time period by which a
127 defendant has a right to be brought to trial to a period that is shorter than the
128 applicable time period under Subsection (1) or (2) if:

129 (i) a charge against the defendant is dismissed and the prosecuting attorney
130 subsequently charges the defendant with the same offense arising out of the same
131 criminal episode; or

132 (ii) the defendant is to be retried after a mistrial.

(b) In determining whether to shorten a time period under Subsection (4)(a)(i), the court shall consider:

- (i) the degree to which the new charge is different from the original charge;
- (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;
- (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;
- (iv) the reason for the dismissal, including whether the reason was to avoid the expiration of a time period under this part; and
- (v) any other factor which, in the interests of justice, affects the time in which the defendant will be tried on the new charge.

Section 4. Section **77-17-203** is enacted to read:

77-17-203 . Excluded periods.

- (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:
 - (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;
 - (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;
 - (c) each day the defendant appears for a court proceeding in a different case;
 - (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;
 - (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
 - (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.
- (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.
- (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

167 excluding the time period outweigh the defendant's right to have the trial held within the
168 applicable time period under this part.

169 (4)(a) Time required to consider and resolve a pretrial motion not described in

170 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
172 under Subsection (1)(f).

173 Section 5. Section **77-17-204** 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
176 shall:

177 (a) advise the defendant of the right to a speedy trial and the time by which the
178 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
181 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
184 has a right to be brought to trial; and

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

186 Section 6. Section **77-17-205** 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
189 not been brought to trial and the case remains pending on the day the time period
190 under this part expires, the court shall:

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

193 (A) order that the defendant be released from detention under conditions set in
194 accordance with Section 77-20-205, that best minimize the risks of flight and
195 danger to the community or any individual; and

196 (B) set the trial to begin within 180 days after the day on which the defendant is
197 released; or

198 (ii) if no condition or combination of conditions of release will reasonably ensure the
199 safety of the community or any individual:

200 (A) set the trial to begin within 15 days after the day on which the time period

- 201 expires; or
- 202 (B) set the trial to begin within 45 days after the day on which the time period
- 203 expires upon the request of the defendant.
- 204 (b) If the court sets the trial to begin under Subsection (1)(a)(ii)(A) or (1)(a)(ii)(B), and
- 205 the trial does not begin within the set time period, the court shall:
- 206 (i) order that the defendant be released from detention under conditions set in
- 207 accordance with Section 77-20-205, that, to the extent reasonably possible,
- 208 minimize the risks of flight and danger to the community or any individual; and
- 209 (ii) set the trial to begin within 180 days after the day on which the defendant is
- 210 released.
- 211 (2)(a) If a defendant not in pretrial detention has not been brought to trial and the case is
- 212 pending on the day the time period under this part expires, the court shall:
- 213 (i) dismiss the prosecution with prejudice; or
- 214 (ii) after affording the parties and any victims the opportunity to be heard, extend the
- 215 time period in the interests of justice for a period:
- 216 (A) not to exceed 30 days after the day on which the time period expires; or
- 217 (B) not to exceed 75 days after the day on which the time period expires upon the
- 218 request of the defendant.
- 219 (b) In making a determination under Subsection (2)(a)(ii), the court shall consider the
- 220 totality of the circumstances, including:
- 221 (i) the gravity of the offense;
- 222 (ii) the reasons for the failure to bring the defendant to trial within the time period;
- 223 (iii) the extent to which the prosecution or the defense is responsible for the delay;
- 224 (iv) the extent of the prejudice to the defense, the prosecution, or the public that may
- 225 result from the extension; and
- 226 (v) the effect an extension would have on any victims.
- 227 (c) If a court orders an extension under Subsection (2)(a)(ii) and the trial does not
- 228 commence within the extended time period, the court shall dismiss the prosecution
- 229 with prejudice.
- 230 (3) In making a determination concerning detention, dismissal, or setting a trial date under
- 231 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
- 233 the offense charged and for any other offense required to be joined with that offense.

234 **Section 7. Effective Date.**

235 This bill takes effect on May 6, 2026.