

**Nelson T. Abbott** proposes the following substitute bill:

## **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;
- establishes time periods for a court to set a criminal matter for trial if a defendant or victim requests a speedy trial;
  - authorizes a court to set a criminal matter for trial after the expiration of the applicable period under certain circumstances; 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:

**77-17-14**, 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;

29 (b) receive a copy of the accusation filed against the defendant;  
30 (c) testify in the defendant's own behalf;  
31 (d) be confronted by the witnesses against the defendant;  
32 (e) have compulsory process to [insure] ensure the attendance of witnesses in the  
33 defendant's behalf;  
34 (f) a speedy public trial[-] :  
35 (i) by an impartial jury of the county or district where the offense is alleged to have  
36 been committed; and  
37 (ii) in accordance with time periods described in Section 77-17-14;  
38 (g) [the right of] an appeal in all cases; and  
39 (h) be admitted to bail in accordance with [provisions of law, or be entitled to a trial  
40 within 30 days after arraignment if unable to post bail and if the business of the court  
41 permits] Utah Constitution, Article I, Section 8, and Chapter 20, Bail.

42 (2) In addition:

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

52 Section 2. Section **77-17-14** is enacted to read:

53 **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  
56 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  
60 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  
66 defendant's pending criminal offense, the court shall set the case for trial within 90  
67 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  
69 defendant's pending criminal offense, the court shall set the matter for trial within  
70 180 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  
72 court shall set the matter for trial within 180 days after the day on which the request  
73 is filed.

74 (3) A court may set a matter for trial after the expiration of the applicable time period  
75 described in Subsection (2) if:

76 (a) the court determines that the case is of such complexity that additional time is  
77 necessary for the 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  
79 due to:

80 (i) the volume of other matters pending before the court that prevents scheduling a  
81 trial within the time period;

82 (ii) the unavailability of essential court personnel, facilities, or resources necessary to  
83 conduct the trial 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  
86 prosecuting attorney's volume of cases;

87 (d)(i) a defendant requests a speedy trial under Subsection (2)(a) or (2)(b);

88 (ii) the defendant or the defendant's counsel requests a continuance; and

89 (iii) the court grants the continuance;

90 (e)(i) a victim requests a speedy trial under Subsection (2)(c);

91 (ii) a defendant objects to the request for good cause; and

92 (iii) the court finds good cause to deny the request;

93 (f) setting the trial within the applicable time period would interfere with the due process  
94 rights of a party; or

95 (g) a delay is necessary to accommodate:

96 (i) a codefendant;

97                   (ii) the filing and disposition of an interlocutory appeal; or

98                   (iii) the defendant's appearance for a court proceeding in a different case.

99                   (4) In computing a time period described in Subsection (2), a court shall exclude any period  
100                   of time described in Subsection 77-15-7(2).

101                   **Section 3. Effective Date.**

102                   This bill takes effect on May 6, 2026.