

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 time 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;

- (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 Section 77-17-14;
- (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 **77-17-14** is enacted to read:

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

(1) As used in this section:

- (a) "Defendant in pretrial detention" means an individual who, while awaiting trial or other resolution of a pending criminal offense, is:
 - (i) held in custody by law enforcement; and
 - (ii) not imprisoned for another offense.
- (b) "Defendant not in pretrial detention" means an individual who, while awaiting trial or other resolution of a pending criminal offense, is:
 - (i) not held in custody by law enforcement; or
 - (ii) imprisoned for another offense.

(c) "Victim" means the same as that term is defined in Section 77-37-2.

(2) Except as provided in Subsection (3), and subject to Subsection (4):

(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;

(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

(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.

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

(a) 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;

(b) the court is unable to bring the defendant to trial within the applicable time period due to:

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

(ii) the unavailability of essential court personnel, facilities, or resources necessary to conduct the trial within the time period; or

(iii) the defendant's failure to appear;

(c) the prosecuting attorney needs additional time to prepare for trial due to the prosecuting attorney's volume of cases;

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

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

(iii) the court grants the continuance;

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

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

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

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

(g) a delay is necessary to accommodate:

(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.