

131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1771

H.P. 1135

House of Representatives, April 25, 2023

An Act Regarding Speedy Trials

Reference to the Committee on Judiciary suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative MOONEN of Portland. Cosponsored by Senator CARNEY of Cumberland and Representatives: HAGGAN of Hampden, KUHN of Falmouth, LEE of Auburn, POIRIER of Skowhegan, SHEEHAN of Biddeford, Senator: BRAKEY of Androscoggin.

Be it enacted by the People of the State of Maine as follows:
Sec. 1. 15 MRSA c. 207 is enacted to read:
<u>CHAPTER 207</u>
SPEEDY TRIALS
§1491. Time for commencement of trial
1. Defendant in custody. Trial must commence for a defendant who has been detained in a jail or a correctional facility for at least 30 total days while awaiting trial within the following time limits:
A. For a defendant charged with murder or a Class A, Class B or Class C crime, trial must commence within 180 days from arraignment or first appearance, whichever is earlier; and
B. For a defendant charged with a Class D or Class E crime and not charged with a related Class C or higher crime, trial must commence within 45 days from arraignment or first appearance, whichever is earlier.
2. Defendant not in custody. Trial must commence for a defendant who has not been detained in a jail or a correctional facility while awaiting trial, or who has been detained in a jail or correctional facility for fewer than 30 total days while awaiting trial, within the following time limits:
A. For a defendant charged with murder or a Class A, Class B or Class C crime, trial must commence within 270 days from arraignment or first appearance, whichever is earlier; and
B. For a defendant charged with a Class D or Class E crime and not charged with a related Class C or higher crime, trial must commence within 60 days from arraignment or first appearance, whichever is earlier.
3. Time excluded. The following time periods are excluded in computing the time limits in subsections 1 and 2:
A. Delay resulting from a continuance granted at the defendant's request. Before granting a continuance under this paragraph, the court shall advise the defendant of the defendant's right to a speedy trial and the effect of the continuance;
B. Delay resulting from an interlocutory appeal;
C. Delay resulting from a proceeding relating to the transfer of a case or the removal of any defendant from another county under the Maine Rules of Criminal Procedure, Rule 21 or succeeding rule;
D. Delay resulting from transportation of a defendant from another county or to and from a place of examination or hospitalization, except that any time consumed in excess of 5 days from the date of an order of removal or an order directing transportation under this paragraph and the defendant's arrival at the destination is presumed to be unreasonable;

1 2	E. Delay reasonably attributable to a period not to exceed 30 days during which any proceeding concerning the defendant is under advisement by the court;
3 4 5	F. Delay during which prosecution is deferred by the State pursuant to written agreement with the defendant, with the approval of the court, to allow the defendant to demonstrate the defendant's good conduct;
6 7	G. Delay resulting from the defendant being mentally incompetent or physically unable to stand trial; and
8 9 10	H. A reasonable delay when the defendant is joined for trial with a codefendant as to whom the time for commencement of trial has not expired and no motion for severance has been granted.
11 12	4. Effect of mistrial or order of new trial. Trial must commence for a defendant within 180 days from the date of mistrial or order granting a new trial.
13 14 15	5. Effect of refiling. If the prosecution moves to dismiss the charge and subsequently refiles the same or a similar charge, the refiling does not reset or extend the original time limit under this chapter.
16	<u>§1492. Waiver of speedy trial right</u>
17 18 19	A defendant may waive the defendant's right to a speedy trial under this chapter. The waiver is not effective unless the court has advised the defendant of the defendant's right to a speedy trial and the effect of the waiver.
20	§1493. Remedy for noncompliance with time limit
21 22	If the trial of a defendant does not commence within the applicable time limits under this chapter, the court shall dismiss the case with prejudice.
23	Sec. 2. Effective date. This Act takes effect January 1, 2024.
24	SUMMARY
25 26	This bill establishes time limits for the commencement of a defendant's criminal trial and provides remedies for when the time limits have been violated.