



# Administrative Office of the Courts

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## **Judicial Branch testimony neither for nor against LD 1771, An Act Regarding Speedy Trials:**

Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide testimony and comments regarding this bill.

Forty other states and the federal court system have a speedy trial requirement and the Maine Judicial Branch does not oppose instituting one here and indeed welcomes it. However, we would like to point out that the bill would require significant adjustments in process, both formal and informal, for the Judicial Branch as well as some of our justice partners.

- Felony cases often start with an arrest and first appearance upon an information as a charging instrument. In order to proceed, however, the case must thereafter be presented to a grand jury for indictment. In several of Maine's rural counties, the grand jury only sits once every 90 or 120 days. And, once the indictment is returned, the defendant must be arraigned upon it. As you can see, a 180-day limit can easily be reached without a trial scheduled.
- Murder cases and other serious felonies are rarely ready for trial within 6 or 9 months, even without any backlogs. Both sides must review discovery, interview and retain experts, investigate, and prepare the case.
- Laboratories charged with examining drug or DNA evidence are backlogged and currently can take up to 18 months to issue a report. Without more resources allocated to clear their backlog, those cases may be dismissed for failure to meet the deadlines.
- In order to comply with set timelines, additional resources would have to be directed toward the criminal docket, causing greater delays and hardship in other dockets, such as family, divorce and child custody matters.

We would also like to point out that the list of reasons excludable periods of delay may be permitted does not include all delays which might properly be excluded such as firing the defendant's attorney, defendant's failing to appear, unavailability of a witness, or the like. Indeed, any list of excludable periods will inevitably omit some justifiable reasons. For that reason, many states allow for the exclusion of time, or for a continuance, in exceptional circumstances or if good cause or sufficient reason is shown. The federal Speedy Trial Act excludes "[a]ny period of delay resulting from a continuance granted by any judge on his own motion or at the request of [a party] if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). We would ask you to consider some provision for delays for reasons not expressly listed in the statute.

The bill provides that a case must be dismissed with prejudice for failure to meet the timelines. Although dismissal with prejudice is required for a constitutional violation of the right to speedy trial (*see Winchester v State*, 2022 ME 23, ¶ 8), some states use other remedies when the violation is statutory but not constitutional, such as releasing a defendant from jail or giving the judge discretion to consider individualized circumstances. *See also* M.R.Crim.P. 48(b)(1) (dismissal for undue delay may be without prejudice). While it is up to you, we point out that dismissal with prejudice is not mandated absent a constitutional speedy trial violation.

If this bill, or an amended version of it, passes, we ask that it clearly spell out the effective date and transitional procedures. The Judicial Branch schedules criminal cases on a "first-in, first-out" basis, meaning that the oldest cases are generally prioritized, with the understanding that defendants who are incarcerated before trial receive priority. We would urge you to account for transition by specifying in the bill which cases it will apply to. We also note that other speedy trial acts have specifically used transitional time periods. For example, the federal Speedy Trial Act provides as follows:

(g) Notwithstanding the provisions of subsection (c) of this section, for the first twelve-calendar-month period following the effective date of this section as set forth in section 3163(b) of this chapter the time limit with respect to the period between arraignment and trial imposed by subsection (c) of this section shall be one hundred and eighty days, for the second such twelve-month period such time limit shall be one hundred and twenty days, and for the third such period such time limit with respect to the period between arraignment and trial shall be eighty days.

18 U.S.C. §3161(g). If the strict timelines proposed were to be imposed on all new cases, our courts would often have to schedule new cases before older ones, because the old cases have no statutory time limit. The criminal backlog must be addressed before we can accomplish the worthy goals of this legislation.

Given the relative lateness in the session and the complexities outlined today, LD 1771 may be particularly appropriate to carry over and convene a study group.

Thank you for your consideration.

# from the Maine Judicial Branch

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## Speedy Trial Acts and Rules by State

State and Statute or Rule	Time Limit for In Custody Defendant	Time Limit For Defendant NOT In Custody	When Time Commences	Periods Excluded from Time	Reasons for Enlargement of Time	Classes of Crimes Subject to Speedy Trial
<b>Alabama</b>  No statute, and <u>Ala R Crim P 8 1</u> ("Priorities in scheduling criminal cases") does not define time frames					Authorized when specific reasons justify a continuance <u>Ala R Crim P 8 3</u>	
<b>Alaska</b>  By rule <u>Alaska R Crim P 45</u>	120 days (dismissal)	120 days (dismissal)	Generally, the date the charging document is served on defendant -If dismissed on the defendant's motion, the date of refiled charge -If a new charge is added based on new evidence not previously obtainable in due diligence, the date of filing the new charge -Date of court decision declaring mistrial, granting a new trial, or remanding -Date of order authorizing	-Up to 30 days for other proceeding (suppression, competency, etc ) -Continuances sought or consented to by defendant -Continuances granted for prosecution either to procure evidence not previously available with due diligence or to satisfy demands of complex felony case -Period of defendant's unavailability -Reasonable delay due to co-defendant when good cause not to sever -Delay due to inability to obtain defendant's presence from another state -Delay for good cause	If court continues instead of dismissing, its reasons must be set forth in full on the record Victim must be heard regarding the continuance	All

State and Statute or Rule	Time Limit for In Custody Defendant	Time Limit For Defendant NOT In Custody	When Time Commences	Periods Excluded from Time	Reasons for Enlargement of Time	Classes of Crimes Subject to Speedy Trial
			<p>withdrawal of a plea of guilty or nolo</p> <p>-For a minor offense, date of receipt of request for trial</p>			
<p><b>Arizona</b></p> <p>By rule <u>Ariz R Crim P 8 2</u></p>	<p>150 days, but 270 days for murder, case with communication interception, or complex case and 24 months from notice of intent to seek death penalty if capital case (dismissal)</p>	<p>180 days, but 270 days for murder, case with communication interception, or complex case and 24 months from notice of intent to seek death penalty if capital case (dismissal)</p>	<p>Arraignment, except</p> <p>-a new trial must begin within 60 days after mistrial/new trial order</p> <p>-a trial must begin within 90 days after appellate court's reversal</p>		<p>Specific reasons to continue (extraordinary circumstances and indispensability of delay, per Ariz R Crim P 8 2 and 8 5)</p> <p>Must consider victim's and defendant's rights</p>	
<p><b>Arkansas</b></p> <p>By rule <u>Ark R Crim P 28 1, 28 2, 28 3</u></p>	<p>9 months if in city or county jail (release on own recognizance) 12 months if in state prison (dismissal)</p>	<p>12 months (dismissal)</p>	<p>Date of arrest or service of summons, except</p> <p>-If dismissed upon defendant's motion, date of reinstatement</p> <p>-following an appeal, the date the mandate is issued by the appellate court</p> <p>-If a mistrial or new trial, the date of the mistrial or new trial order</p>	<p>-Delay for other proceeding (suppression, competency, etc ) and up to 30 days under advisement</p> <p>-Congestion of the trial docket, upon explanation and finding that defendant will not suffer prejudice</p> <p>-Delay due to defendant's requested continuance</p> <p>-Continuances granted for prosecution either to procure evidence not previously available with due diligence or to satisfy</p>		<p>All</p>

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<p><b>Alaska</b></p> <p>By rule <u>Alaska R Crim P 45</u></p>	120 days (dismissal)	120 days (dismissal)	<p>Generally, the date the charging document is served on defendant</p> <ul style="list-style-type: none"> <li>-If dismissed on the defendant's motion, the date of refiled charge</li> <li>-If a new charge is added based on new evidence not previously obtainable in due diligence, the date of filing the new charge</li> <li>-Date of court decision declaring mistrial, granting a new trial, or remanding</li> <li>-Date of order authorizing</li> </ul>	<ul style="list-style-type: none"> <li>-Up to 30 days for other proceeding (suppression, competency, etc )</li> <li>-Continuances sought or consented to by defendant</li> <li>-Continuances granted for prosecution either to procure evidence not previously available with due diligence or to satisfy demands of complex felony case</li> <li>-Period of defendant's unavailability</li> <li>-Reasonable delay due to co-defendant when good cause not to sever</li> <li>-Delay due to inability to obtain defendant's presence from another state</li> <li>-Delay for good cause</li> </ul>	<p>If court continues instead of dismissing, its reasons must be set forth in full on the record Victim must be heard regarding the continuance</p>	All

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<p><b>Arizona</b></p> <p>By rule <u>Ariz R Crim P 8 2</u></p>	<p>150 days, but 270 days for murder, case with communication interception, or complex case and 24 months from notice of intent to seek death penalty if capital case (dismissal)</p>	<p>180 days, but 270 days for murder, case with communication interception, or complex case and 24 months from notice of intent to seek death penalty if capital case (dismissal)</p>	<p>Arraignment, except</p> <p>-a new trial must begin within 60 days after mistrial/new trial order</p> <p>-a trial must begin within 90 days after appellate court's reversal</p>		<p>Specific reasons to continue (extraordinary circumstances and indispensability of delay, per Ariz R Crim P 8 2 and 8 5)</p> <p>Must consider victim's and defendant's rights</p>	
<p><b>Arkansas</b></p> <p>By rule <u>Ark R Crim P 28 1, 28 2, 28 3</u></p>	<p>9 months if in city or county jail (release on own recognizance) 12 months if in state prison (dismissal)</p>	<p>12 months (dismissal)</p>	<p>Date of arrest or service of summons, except</p> <p>-If dismissed upon defendant's motion, date of reinstatement</p> <p>-following an appeal, the date the mandate is issued by the appellate court</p> <p>-If a mistrial or new trial, the date of the mistrial or new trial order</p>	<p>-Delay for other proceeding (suppression, competency, etc ) and up to 30 days under advisement</p> <p>-Congestion of the trial docket, upon explanation and finding that defendant will not suffer prejudice</p> <p>-Delay due to defendant's requested continuance</p> <p>-Continuances granted for prosecution either to procure evidence not previously available with due diligence or to satisfy</p>		<p>All</p>

State and Statute or Rule	Time Limit for In Custody Defendant	Time Limit For Defendant NOT In Custody	When Time Commences	Periods Excluded from Time	Reasons for Enlargement of Time	Classes of Crimes Subject to Speedy Trial
			<ul style="list-style-type: none"> <li>-If collateral attack on conviction succeeds, date of order, but if appealed, date of mandate</li> </ul>	<ul style="list-style-type: none"> <li>demands of a complex felony case</li> <li>-Delays from unavailability of defendant</li> <li>-Time between prosecution's nolle prosequi or dismissal for good cause shown and new filing</li> <li>-Reasonable delay caused by joinder with co-defendant if good cause not to sever</li> <li>-Delay for good cause</li> </ul>		
<p><b>California</b></p> <p><u>Cal Penal Code § 1382</u></p>	<p>60 days for felony (dismissal)</p> <p>30 days for misdemeanor (dismissal)</p>	<p>60 days for felony (dismissal)</p> <p>45 days for misdemeanor (dismissal)</p>	<p>Arraignment or date of reinstatement or date of mistrial or grant of a new trial</p> <ul style="list-style-type: none"> <li>-If the defendant waives trial, measured from request for trial</li> <li>-Defendant may consent to later time</li> </ul>	<p>For a felony, the clock is reset if defendant fails to appear—time runs from next appearance</p>	<p><u>Cal Penal Code § 1383</u> generally allows a continuance if "sufficient reason" is shown</p>	<p>All</p>
<p><b>Colorado</b></p> <p><u>Colo Rev Stat Ann § 18-1-405</u></p>	<p>6 months (release and dismissal)</p> <p>Must move to dismiss or waived</p>	<p>6 months (dismissal)</p> <p>Must move to dismiss or waived</p>	<p>Date of entry of plea of not guilty, or</p> <ul style="list-style-type: none"> <li>-Date of mandate after appeal</li> <li>-Date of continuance granted at defendant's request</li> </ul>	<ul style="list-style-type: none"> <li>-Period of incompetency</li> <li>-Period when interlocutory appeal is pending</li> <li>-Delay from joinder of co-defendant when not good cause to sever</li> <li>-Period of defendant's voluntary unavailability</li> <li>-Up to 3 months for mistrial</li> <li>-Delay caused by defendant</li> </ul>		<p>All</p>

State and Statute or Rule	Time Limit for In Custody Defendant	Time Limit For Defendant NOT In Custody	When Time Commences	Periods Excluded from Time	Reasons for Enlargement of Time	Classes of Crimes Subject to Speedy Trial
			<ul style="list-style-type: none"> <li>-If defendant fails to appear, from date of next appearance</li> </ul>	<ul style="list-style-type: none"> <li>-Up to 6 months for prosecution to obtain evidence not previously obtainable with due diligence or in exceptional circumstances in felony cases</li> <li>-Up to 3 additional months when new trial ordered</li> <li>-Delay occasioned by certain motions</li> <li>-Up to 6 months for defendant in custody and 3 months for defendant not in custody due to COVID backlog, upon specific findings related to judicial availability, lack of previous continuances, and the interests of justice</li> <li>-Up to 3 months if transferred to another court</li> </ul>		
<p><b>Connecticut</b></p> <p><u>Conn Gen Stat Ann § 54-82m, Conn Practice Book §§ 43-39, 43-40, 43-40A, 43-41</u></p>	8 months (dismissal)	12 months (dismissal)	<ul style="list-style-type: none"> <li>Filing date of indictment or information, or arrest, whichever is later</li> <li>-If on appeal, date of final decision on appeal</li> <li>-If mistrial, date order becomes final</li> </ul>	<ul style="list-style-type: none"> <li>-Up to 30 days after motion for speedy trial</li> <li>-Defendant-caused delays</li> <li>-Period when defendant unable to stand trial</li> <li>-Competency evaluation period</li> <li>-Trial of other charges</li> <li>-Period of interlocutory appeal</li> <li>-Time from hearing to ruling on pretrial motion</li> <li>-Up to 30 days for an issue to be under advisement</li> </ul>	Good cause for delay → trial must be held "as soon as is reasonably possible"	All



State and Statute or Rule	Time Limit for In Custody Defendant	Time Limit For Defendant NOT In Custody	When Time Commences	Periods Excluded from Time	Reasons for Enlargement of Time	Classes of Crimes Subject to Speedy Trial
				<ul style="list-style-type: none"> <li>-Delay from pretrial diversion program</li> <li>-Absence or unavailability of defendant</li> <li>-Period of incompetency</li> <li>-Joinder of co-defendant when not severed</li> <li>-Delay between consent to nolo/guilty plea and court's acceptance or rejection</li> <li>-Delay between acceptance of nolo/guilty plea and withdrawal of it</li> <li>-Defendant-requested continuance (except if prosecution willfully withheld evidence)</li> <li>-Delay for prosecution to get evidence it could not previously obtain with due diligence</li> <li>-Delay for prosecution in exceptional circumstances</li> <li>-Time for out-of-state defendant to be available for trial in state</li> <li>-Periods of delay caused by exceptional circumstances</li> </ul>		
<p><b>Delaware</b></p> <p>No Statute—<u>Del Super Ct Crim R 48</u> does not provide time limits</p>						

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<b>Florida</b> By rule <u>Fla R Crim P 3 191</u>	60 days if speedy trial demanded  175 days for felony and any joined misdemeanors (dismissal if not tried in 10 days after notice of expiration)  90 days for misdemeanor (dismissal if not tried in 10 days after notice of expiration)	60 days if speedy trial demanded  175 days for felony and any joined misdemeanors (dismissal if not tried in 10 days after notice of expiration)  90 days for misdemeanor (dismissal if not tried in 10 days after notice of expiration)	Arrest, or -If person is incarcerated out-of-state, when returns to state -Within 90 days after date of order of new trial	-10 days after motion for speedy trial	-By stipulation -By court order in exceptional circumstances (many of which are specifically enumerated) or upon good cause shown by accused -By court order for necessary delay to, e g , determine competency, decide pretrial motions, get DNA testing -By administrative order suspending speedy trial procedures -Defendant unavailable for trial	All
<b>Georgia</b>  Ga Code Ann §§ <u>17-7-170 to -172</u> do not provide timeframes other than measuring by "court term"						
<b>Hawaii</b>  By rule <u>Hawaii R Penal P 48</u>	6 months (dismissal) except for traffic offenses not punishable by imprisonment	6 months (dismissal) except for traffic offenses not punishable by imprisonment	Date of arrest or filing of charge, whichever is first, but -date of rearrest or recharge if dismissed on	-Collateral or other proceedings regarding defendant (e g , suppression, incompetency, etc )		All except for traffic offenses not punishable by imprisonment

State and Statute or Rule	Time Limit for In Custody Defendant	Time Limit For Defendant NOT In Custody	When Time Commences	Periods Excluded from Time	Reasons for Enlargement of Time	Classes of Crimes Subject to Speedy Trial
			defendant's motion -date of mistrial or order of new trial	-When docket is congested for exceptional circumstances -Delay from defendant's requested or consented-to continuance -Delay from prosecutor's request to delay for evidence not obtainable through due diligence before or in exceptional circumstances -Delay from absence or unavailability of defendant -Time between prosecutor's dismissal and rearrest -Reasonable period of delay for joined co-defendant when no severance -Delays for good cause		
<b>Idaho</b>  <u>Idaho Code § 19-3501</u>	6 months (dismissal)	6 months (dismissal)	Date of arraignment for felony Date of plea of not guilty for misdemeanor Date of filing of information for felony and misdemeanor charges together	-Postponement occasioned by defendant's application	There must be "sufficient reason" for continuance per <u>Idaho Code § 19-3502</u>	All
<b>Illinois</b>  <u>Ill Comp Stat Ann ch 725, § 5/103-5</u>	120 days of continuous incarceration—new arrest resets clock	160 days (dismissal)	Date taken into custody for in-custody defendant	-Delay occasioned by, or unobjected to by, defendant (and if within 21 days of expiration, State gets up to 21 additional days)		All

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	(dismissal)		Date of request for trial for defendant not in custody If additional charges after judgment on initial charge, 160 days from date of that judgment for the additional charges	-Competency proceedings -Period of interlocutory appeal -Up to 60 days to obtain evidence not previously obtainable in due diligence -Up to 120 additional days if awaiting DNA results		
<b>Indiana</b> By rule <u>Ind R Crim P 4</u>	6 months (release on recognizance)  If incarcerated defendant moves for early trial, 70 days from motion  1 year (dismissal)	1 year (dismissal)	Date charge filed or date of arrest, whichever is later	-Continuance on defendant's motion -Delay by defendant's act -Congestion of court calendar and not fault of prosecutor -Up to 90 days to get evidence if reasonable efforts were made -Delay by defendant in last 30 days → up to 30 more days allowed	-Finding of calendar congestion or emergency (incarcerated defendant released on own recognizance)	All
<b>Iowa</b> By rule <u>Iowa R Crim P 2 33</u>	90 days if speedy trial not waived (dismissal)  1 year for all criminal cases (dismissal)	90 days if speedy trial not waived (dismissal)  1 year for all criminal cases (dismissal)	Date of indictment  Date of arraignment		If good cause shown	All
<b>Kansas</b> <u>Kan Stat Ann § 22-3402</u>	150 days (dismissal)  (Suspended through March	180 days (dismissal)  (Suspended through March	Date of arraignment -If defendant fails to appear, 90 days from date of next	-Delay from defendant's requested continuance or other request -Delay due to incompetency or competency proceedings		All

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	2024—Anyone arrested between March 20, 2020, and March 1, 2024, is deemed arraigned on March 1, 2024)	2024—Anyone arrested between March 20, 2020, and March 1, 2024, is deemed arraigned on March 1, 2024)	appearance (or remaining days if greater) -If mistrial, date of declaration of mistrial -If after appeal, date of mandate	-Up to 2 delays of up to 90 days for obtaining evidence not obtainable with due diligence -up to 30 days due to court congestion or court's consideration of late request		
<b>Kentucky</b> <u>Ky Rev Stat § 500.110</u>	180 days (consequence not specified)		Request for final disposition		For good cause shown	All
<b>Louisiana</b> <u>La Code Crim Proc art 578, 579</u>	3 years for capital offense  2 years for other felony  1 year for misdemeanor (dismissal)	3 years for capital offense  2 years for other felony  1 year for misdemeanor (dismissal)	Institution of the prosecution -If mistrial, next trial within 1 year or remaining time limit, whichever is longer <i>See La Code Crim Proc Ann art 582</i>	-Time period renews for 1 year, unless court received notice of defendant's location, if defendant fled, was absent, was incompetent, or failed to appear, or there was another reason outside the State's control, <i>see La Code Crim Proc Ann art 583</i> -defendant's filing of motion to quash or other preliminary plea, <i>see La Code Crim Proc Ann § art. 580</i> -continuance granted due to absence of witness, <i>see id</i>		All
<b>Maryland</b> <u>Md Code Ann. Crim Proc § 6-103, Md Rule 4-271</u>	180 days (consequence not specified)	180 days (consequence not specified)	Earlier of -appearance of counsel -first appearance of defendant		For good cause shown	All

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<b>Massachusetts</b>  By rule <u>Mass R Crim P 36</u>	12 months (dismissal upon motion)	12 months (dismissal upon motion)	Return day -If retrial, 1 year after final action requiring retrial	<ul style="list-style-type: none"> <li>-Delay due to proceedings regarding defendant (e g, capacity or competency examination, trial of other charges, interlocutory appeal, pretrial motions, transfer of venue)</li> <li>-Delay from unavailability of defendant or essential witness</li> <li>-Incompetency or incapacity</li> <li>-Reasonable delay due to co-defendant not severed</li> <li>-Delay from defendant's motion to continue</li> <li>-Delay from State's motion to continue if outweighs speedy trial concerns</li> <li>-Period between defendant's agreement to plead nolo or guilty and court's acceptance or rejection</li> <li>-Time between plea of guilty and withdrawal of that plea</li> </ul>		All
<b>Michigan</b>  By rule <u>Mich Ct R 6 004</u>	180 days for felony (release on recognizance)  28 days for misdemeanor (release on recognizance)	N/A	Date of incarceration	<ul style="list-style-type: none"> <li>-Delay from proceedings regarding the defendant (competency, pretrial motions, etc )</li> <li>-Incompetency</li> <li>-Delay from adjournment initiated or consented to by defendant</li> <li>-Delay from adjournment sought by prosecution</li> </ul>		All

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				because evidence previously unavailable in due diligence or exceptional circumstances -Delay due to joined co-defendant when not severed -Delay due to good cause or docket congestion		
<b>Minnesota</b>  By rule <u>Minn R Crim P 11 09</u>	120 days (release)  60 days (release)	N/A	Plea other than guilty  Speedy trial demand		Good cause finding	
<b>Mississippi</b>  <u>Miss Code Ann § 99-17-1</u>	270 days (consequence not specified)	270 days (consequence not specified)	Arraignment			
<b>Missouri</b>  <u>Mo Rev Stat § 545 780</u> does not specify time limit					Matter continued from term to term if defendant cannot be located for service or has fled, <u>see Mo Rev Stat § 545 790</u>	
<b>Montana</b>  <u>Mont Code Ann § 46-13-401</u>	6 months for misdemeanor (dismissal)	6 months for misdemeanor (dismissal)	Entry of plea		Good cause shown	Misdemeanor
<b>Nebraska</b>  <u>Neb Rev Stat § 29-1207</u>	6 months priority given to in custody or defendants at risk of pretrial loss of liberty  (consequence not specified)	6 months (consequence not specified)	-Date indictment is returned or information filed, -Misdemeanor offenses against intimate partners begin the date of arrest on a complaint filed	Defendant - hearing and examination for competency -time defendant is incompetent to stand trial, unavailable, or absent -filing to disposition of pretrial motions filed by defendant	Upon a showing of good cause and only for so long as it is necessary	All

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			<p>-For retrial following mistrial, order for new trial, an appeal or collateral attack, date of mistrial, order or mandate on remand</p>	<p>-motions to quash the indictment or information, demurrers and pleas in abatement, motions for change of venue, time consumed in the trial of other charges</p> <p>Prosecutor --granted continuance if unavailability of evidence material to state's case, prosecutor has exercised due diligence to get that evidence at a later date,</p> <p>-time to prepare the state's case if justified by exceptional circumstances of the case</p> <p>-if defendant is joined for trial with codefendant and there is good cause for not granting a severance</p> <p>-other periods if court finds that they are for good cause</p>		
<p><b>Nevada</b> <u>Nev Rev Stat § 178.556</u></p>	<p>60 days (dismissal)</p>	<p>60 days (dismissal)</p>	<p>Arraignment on the complaint</p>		<p>-defendant's application for a continuance -court has discretion to find good cause for delay</p>	
<p><b>New Hampshire</b> No statute or rule</p>						



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<p><b>New Jersey</b> <u>NJ Sta § 2A 162-22</u></p>	<p>90 days until indictment (release)  180 days until trial (release)</p>	<p>N/A</p>	<p>Return or unsealing of indictment</p>	<ul style="list-style-type: none"> <li>-examination and hearing on competency, incompetency</li> <li>-application to supervisory treatment, special probation, drug or alcohol treatment as a condition of probation, other pretrial treatment or supervisory program</li> <li>-pre-trial motion</li> <li>-detention in another jurisdiction if diligent efforts to obtain defendant's presence have been made</li> <li>-exceptional circumstances including natural disaster, unavoidable unavailability of defendant, material witness, other evidence</li> <li>-on motion of the prosecutor because of complexity</li> <li>-severance of codefendants</li> <li>-failure to appear</li> <li>-disqualification or recusal of a judge</li> <li>-defendant's failure to provide timely and complete discovery</li> <li>-other periods of delay not specifically enumerated if the court finds good cause</li> <li>-any other time required by statute</li> </ul>	<p>-at court's discretion at defendant's request or at the request of both defendant and prosecutor</p>	<p>All</p>

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<p><b>New Mexico</b></p> <p>By rule <u>N M Dist Ct R Crim P 5-604</u></p>	<p>6 months</p> <p>By lower court rules magistrate court rules <u>6-506 NMRA</u>, metropolitan court rules <u>7-506 NMRA</u>, and municipal court rules <u>8-506 NMRA</u>) (on motion, dismissal with prejudice)</p>	<p>6 months</p> <p>By lower court rules magistrate court rules <u>6-506 NMRA</u>, metropolitan court rules <u>7-506 NMRA</u>, and municipal court rules <u>8-506 NMRA</u>) (on motion, dismissal with prejudice)</p>	<p>Date of initial filing in lower court</p>	<p>Appeal</p>	<p>On defendant's motion, court considers</p> <ul style="list-style-type: none"> <li>-complexity of the case</li> <li>-length of delay</li> <li>-reason for delay</li> <li>-whether defendant asserted the right to a speedy trial or acquiesced</li> <li>-extent of prejudice</li> </ul>	<p>Only District Court cases that were refiled from a concurrent jurisdiction (magistrate metropolitan, or municipal court)</p> <p>Does not apply to cases originally filed in the District Court or with exclusive jurisdiction of the trial court (felonies)</p>
<p><b>New York</b></p> <p><u>NY Crim Proc Law § 30 30</u></p>	<p>Must be released on PR bail if no trial for criminal action within</p> <ul style="list-style-type: none"> <li>-90 days if at least on offense is a felony</li> <li>-30 days if at least one offense is a misdemeanor punishable by</li> </ul>	<p>On defendant's motion</p> <ul style="list-style-type: none"> <li>-Six months for one or more felony</li> <li>-90 days if at least one offense is a misdemeanor punishable by imprisonment of 3+ months</li> </ul>	<p>Commencement of action or commitment into custody of sheriff/OCFS</p> <ul style="list-style-type: none"> <li>- defendant's actual appearance for arraignment</li> <li>-if pending trial for a family offense in a family court, when indictment filed</li> <li>-following withdrawal of a</li> </ul>	<ul style="list-style-type: none"> <li>-Defendant is serving a term of imprisonment for another offense</li> <li>-If defendant held in custody pending trial of another charge and the applicable period has not yet elapsed</li> <li>-Reasonable period of delay resulting from other proceedings</li> <li>-Period of delay resulting from a continuance granted by the court at the request</li> </ul>	<p>If people show some exceptional fact or circumstance, including the sudden unavailability of evidence material to the people's case</p>	<p>Does not apply to offenses defined in</p> <ul style="list-style-type: none"> <li>- § 125 10, criminally negligent homicide</li> <li>- § 125 15, 2d degree manslaughter</li> <li>- § 125 20, 1st degree manslaughter,</li> </ul>

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	<p>imprisonment of 3+ months</p> <p>-15 days if at least one offense is a misdemeanor punishable by Imprisonment of fewer than three months</p> <p>-5 days for civil (release on PR bail)</p> <p>On defendant's motion</p> <p>-Six months for one or more felony</p> <p>-90 days if at least one offense is a misdemeanor punishable by imprisonment of 3+ months</p> <p>-60 days if at least one offense is a misdemeanor punishable by</p>	<p>-60 days if at least one offense is a misdemeanor punishable by imprisonment of fewer than 3 months</p> <p>-30 days if at least one offense is a violation and none is a crime (includes vehicle &amp; traffic law infractions)</p> <p>(dismissal or reduction of indictment)</p>	<p>guilty plea, date of withdrawal</p> <p>-retrial following a mistrial, order for a new trial, or appeal or collateral attack, date of order</p>	<p>of or with the consent of the defendant</p> <p>-Absence or unavailability of defendant</p> <p>-Escape from custody or failure to appear</p> <p>-Reasonable period of delay when defendant is joined for trial with a codefendant</p> <p>-Period of delay resulting from detention in another jurisdiction</p> <p>-period during which the defendant is without counsel through no fault of the court</p> <p>-other periods of delay occasioned by exceptional circumstances</p> <p>-period during which an action has been adjourned in contemplation of dismissal</p> <p>-period prior to defendant's actual appearance for arraignment</p> <p>-period during which a family offense is before a family court, until indictment filed</p>		<p>- § 125 25, 2d degree murder</p> <p>- § 125 26, aggravated murder</p> <p>- § 125 27, 1st degree murder</p> <p>-N/A to a defendant being held in custody pending another charge</p> <p>-Does not prevent imprisonment of defendant charged with another crime or violation of conditions after release failing to appear at a judicial proceeding</p>

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	imprisonment of fewer than 3 months  (dismissal or reduction of indictment)					
<b>North Carolina</b>  <u>N C Gen Stat § 15-10</u> sets time periods by term  <u>N C R Super &amp; Dist Cts Rule 3 1</u> sets priority of cases					If request made before end of term and time between terms is less than 4 months	
<b>North Dakota</b>  ND Cent Code § 29-19-02 Both defendant and state have right to a speedy trial	90 days for a felony (consequence not specified)	90 days for a felony (consequence not specified)	Date either party elects right of a speedy trial, must be within 14 days of arraignment		May be later than 90 days for good cause  -Application for continuance for same reasons as a civil trial, absent witness, defendant or attorney is member of assembly	Felonies
<b>Ohio</b>  <u>Ohio Rev Code Ann § 2945 71</u>	-270 days for felony charge (dismissal and release) -each day defendant is held in jail in lieu of bail shall	-30 days for minor misdemeanor or court not of record (dismissal)	Arrest or service of summons	-defendant unavailable -mentally incompetent to stand trial -defendant's lack of counsel, if not occasioned by any lack of diligence in providing counsel -neglect or improper act of the accused	-continuance on defendant's own motion, -requires affirmative proof the ends of justice require -reasons must be entered on the "journal"	All

State and Statute or Rule	Time Limit for In Custody Defendant	Time Limit For Defendant NOT In Custody	When Time Commences	Periods Excluded from Time	Reasons for Enlargement of Time	Classes of Crimes Subject to Speedy Trial
	be counted as three days	-45 days for 3d or 4th degree misdemeanor (dismissal)  -90 days for 1st or 2d degree misdemeanor (dismissal)  -270 days for felony charge (felony)		-plea in bar or abatement, motion, proceeding, or action made by defendant -removal or change of venue -stay -appeal		
<b>Oklahoma</b>  <u>22 Okl St § 812.1</u>	1 year (hearing to determine defendant's rights, possible dismissal, without prejudice)	18 months for felony charge if defendant is on bond (hearing to determine defendant's rights, possible dismissal, without prejudice)	Arrest or date of mistrial		The court determines appropriateness for delay pursuant to <u>22 Okl St § 812.2</u> , by a preponderance of the evidence, considering -delay caused by defendant's application -delay is defendant's fault -incompetence to stand trial -competency proceedings -material evidence unavailable -defendant is charged as a codefendant or coconspirator that must be tried separately -court has other cases pending for trial with a	

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					defendant who has been incarcerated longer -illness or reasonableness of reassigning the case -other reasonable grounds the court does not have sufficient time to commence the trial	
<b>Oregon</b>  <u>ORS § 135 763</u>	90 days unless continuance granted (dismissal)	N/A	State's receipt of notice requesting trial	-time result of motions filed on behalf of defendant	-any reasonable continuance with defendant's consent -on motion of the district attorney or on the court's own motion, for good cause shown -if defendant is unavailable for trial -if defendant is unavailable because of other pending criminal proceedings	In custody defendants only
<b>Pennsylvania</b>  By rule <u>Pa R Crim P 600</u>	-180 days if defendant is not entitled to release on bail (release on bail or dismissal)  -120 days for a new trial or notice of remand from appellate court, if defendant is	365 days (dismissal)	Date complaint is filed -date of order if a juvenile case transferred to criminal division -date of order terminating defendant's participation in ARD -date of trial court's order granting new trial	Hearing on defendant's motion to determine -periods of delay caused by the Commonwealth, unless for failure to exercise due diligence -periods of delay caused by defendant		All

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	not entitled to release on bail (release on bail or dismissal)		-date of notice of remand from appellate court			
<b>Rhode Island</b>  <u>RI Gen Laws § 12-13-7</u>	6 months (release on bail)	N/A	Time plead to indictment or information	If it appears to the court some material witness on behalf of the state is unavailable		"Serious crimes" - offenses for which bail may be denied
<b>South Carolina</b>  S C Code Ann §§ <u>17-23-90, 17-23-120</u> does not specify time limit by days or months, rather uses terms, which is not defined			Indictment or commitment	If it appears, on oath, that state witness could not be produced that term  Upon application, defendant may have immediate disposition of certain misdemeanors or felonies	because no time period specified for a "term" the time limits are as follows For treason or felony, on defendant's petition, the last day of end of first term (release on bail)  Upon petition during the first week of term, After second terms of confinement (acquittal)	Treason or felony
<b>South Dakota</b>  <u>S D Codified Laws Ann § 23A-44-5 1</u>	180 days (dismissal with prejudice)	180 days (dismissal with prejudice)	-Date defendant first appeared before a judicial officer on an indictment, information or complaint -For mistrial, order for new trial, or appeal or collateral	-periods of other proceedings concerning the defendant -absence or unavailability -period defendant is joined for trial with a codefendant -period of time resulting from a change of judge or magistrate	-continuance granted at request of or with consent of defendant -continuance granted at prosecuting attorney's request for unavailability of evidence	All

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			attack, date of mistrial or filing of order granting new trial, or filing of mandate	-period of judicial emergency -other periods for "good cause" and motion for good cause can be made outside of the 180 day period		
<b>Tennessee</b>  <u>Tenn Code Ann §40-14-101</u> does not include time periods				<u>Tenn Code Ann § 40-14-105</u> entitles defendants at least 14 full days after arrest and return of indictment before being tried for a noncapital offense  <u>Tenn Code Ann § 40-14-106</u> entitles defendants at least 21 full days after arrest and return of indictment before being tried for a capital offense		
<b>Texas</b>  <u>Tex Code Crim Proc Art 32A 01</u> priorities for trial does not include time periods						
<b>Utah</b>  <u>Utah Code Ann § 77-1-6</u> does not include time periods (except when no ability to post bail)	30 days if defendant is unable to post bail and if the business of the court permits (no remedy specified)	No specific time	Information or indictment		<u>Utah Code Ann § 77-38-7</u> requires an inquiry into circumstances requiring the delay and consideration of the interests of the victim of a crime to a speedy disposition of the case	All



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<u>Utah R Crim P 17</u> calendar priorities do not specify time periods	Otherwise, no specific time					
<b>Vermont</b> <u>Vt Stat Ann tit 13, § 7553b</u>	60 days if held in custody without bail (court shall schedule bail hearing and set bail)	N/A	Denial of bail	Delay attributable to the defense		-applies when person is held without bail prior to trial  -does not apply to death penalty or life imprisonment cases
<b>Virginia</b> <u>Va Code Ann § 19.2-243</u>	5 months for felony (dismissal)	9 months (dismissal)	-date probable cause was found -date of appearance -if no preliminary hearing, date of indictment or presentment -date of arrest	-insanity or confinement -unavailability of Commonwealth witness -inability of jury to agree in their verdict -natural disaster, civil disorder, or act of God -time during appeal	-unavailability of commonwealth witness -separate trial for defendant indicted jointly with others for a felony -continuance granted on the motion of the accused or his counsel in such a motion by the attorney for the Commonwealth -escape from jail -failure to appear -continuance for record custodian unavailability or objection by defendant	All

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<p><b>Washington</b></p> <p><u>Wash Super Ct Crim R 33</u></p>	<p>Longer of 60 days or 30 days after last day of excluded period (dismissal with prejudice)</p>	<p>Longer of 90 days or 30 days after last day of excluded period (dismissal with prejudice)</p>	<p>Date of arraignment or "resetting" date for waiver; date specified in waiver; failure to appear -for defendant's next appearance, new trial, date order is entered, -for appellate review or stay, defendant's appearance after order -for collateral proceeding, next appearance, change of venue, date of order -for disqualification of counsel, date of disqualification</p>	<p>-competency proceedings          -proceedings on unrelated charges          -continuances          -period between dismissal and refileing          -disposition of related charge          -defendant subject to foreign or federal custody or conditions          -unavoidable or unforeseen circumstances beyond control of the court or parties          -disqualification of judge</p>	<p>Court must state on the record the reasons for continuance          -any reason, including a new commencement date, a period of exclusion          -upon written agreement of parties          -motion by the court or a party</p>	<p>All, as long as defendant does not lose right to object for failure to make motion within 10 days of time limit</p> <p>Does not apply to juvenile proceedings</p>
<p><b>West Virginia</b></p> <p><u>W Va Code § 62-3-21</u></p> <p>By rule <u>W Va TCR Ch 1</u></p>	<p>(by term) <u>W Va TCR, Rule 16 04</u> does not supersede statutory provisions (terms of court) but states an order shall be</p>	<p>(by term) <u>W Va TCR, Rule 16 04</u> does not supersede statutory provisions (terms of court) but states an order shall be</p>	<p>Presentment or indictment</p> <p>If originally charged with a misdemeanor before a justice of the peace, city police judge, or any other inferior tribunal, on appeal</p>		<p>Three regular terms of court after presentment or indictment (dismissal)</p> <p>Terms of court vary by Circuit and commence each year <u>W Va TCR Ch 1</u></p> <p>Reasons for enlargement of time</p>	<p>All</p>

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	entered within 8 months	entered within 8 months	to the court of record  For misdemeanors, <u>W Va TCR, Rule 16 04</u> considers date of indictment or information, date of arrest, or date of service of summons		-failure to try caused by his insanity -witness for the State being enticed or kept away -continuance granted on defendant's motion -defendant's escape from jail -failure to appear -inability of jury to agree in their verdict -pursuant to <u>§ 62-1-9</u> , either party will be granted one 10-day continuance and no other continuance shall be granted except for good cause or by mutual consent	
<b>Wisconsin</b> <u>Wis Stat Ann § 971 10</u>	-60 days for misdemeanor actions (release from custody, assignment to another judge)  -90 days for felony actions (release from custody)	-60 days for misdemeanor actions (assignment to another judge)	For misdemeanor, date of defendant's initial appearance  For felony, date trial is demanded by any party in writing or on the record but must be after filing of the information of indictment		On court's own motion or motion of a party, if the ends of justice served by taking action outweigh the best interest of the public and the defendant in a speedy trial based on factors -whether failure to grant continuance in the proceeding would be likely to make a continuation of the proceeding impossible or	All

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					<p>result in a miscarriage of justice            -whether the case taken as a whole is so unusual and so complex, that it is unreasonable to expect adequate preparation within the period of time            - interests of the victim</p> <p>No continuance may be granted because of general congestion of the court's calendar or the lack of diligent preparation or State's failure to obtain available witnesses</p>	
<p><b>Wyoming</b>  <u>Wyo R Crim P 48</u></p>	<p>180 days (dismissal)</p>	<p>180 days (dismissal)</p>	<p>Arraignment</p>	<p>-proceedings related to mental illness or deficiency of the defendant            -proceedings on another charge            -time between dismissal and refiling of the same charge            -delay occasioned by defendant's change of counsel</p>	<p>-defendant's motion or unavailability            -state or court's motion if defendant expressly consents, state's evidence is unavailable and state exercised due diligence, or as required in the due administration of justice and the defendant will not be prejudiced</p>	<p>All</p>