

Bill No. SB 214

Barcode 393578

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Villalobos) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Victim's right to a speedy trial; speedy trial demand by the state attorney.--

(1) The state attorney may file a demand for a speedy trial if the state has met its obligations under the rules of discovery, the charge is a felony or misdemeanor, the court has granted at least three continuances upon the request of the defendant over the objection of the state attorney, and:

(a) If a felony case, it is not resolved within 125 days after the date that formal charges are filed and the defendant is arrested or the date that notice to appear in lieu of arrest is served upon the defendant; or

(b) If a misdemeanor case, it is not resolved within 45 days after the date that formal charges are filed and the defendant is arrested or the date that notice to appear in

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1 lieu of arrest is served upon the defendant.

2 (2) Upon the filing of a demand for a speedy trial,  
3 the trial court shall schedule a calendar call within 5 days,  
4 at which time the court shall schedule the trial to commence  
5 no sooner than 5 days or later than 45 days following the date  
6 of the calendar call. The court may, however, grant whatever  
7 further extension may be required to prevent deprivation of  
8 the defendant's right to due process.

9 (3)(a) The trial court may postpone the trial date for  
10 up to 30 additional days upon a showing by the defendant that  
11 a necessary witness who was properly served failed to attend  
12 the deposition and also failed to attend a subsequently  
13 scheduled deposition following a court order to appear. The  
14 court may, however, grant whatever further extension may be  
15 required to prevent deprivation of the defendant's right to  
16 due process.

17 (b) The trial court may also postpone the trial date  
18 for no fewer than 30 days but no more than 70 days if the  
19 court grants a motion by counsel to withdraw and the court  
20 appoints other counsel. The court may, however, grant whatever  
21 further extension may be required to prevent deprivation of  
22 the defendant's right to due process.

23 Section 2. This act shall take effect July 1, 2005.

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29  
30 and insert:

31 A bill to be entitled

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1 An act relating to the right to a speedy trial;  
2 creating time limits within which a person  
3 charged with a crime must be brought to trial;  
4 permitting state attorneys to file a demand for  
5 a speedy trial; providing conditions that must  
6 be met in order to do so; requiring that the  
7 trial judge schedule a calendar call upon the  
8 filing of a demand for a speedy trial in order  
9 to schedule a trial; prescribing conditions  
10 under which the trial court may postpone a  
11 trial date; providing an effective date.

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