



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 791 (Substitute S-1 as reported)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

CONTENT

The bill would amend Chapter 8 (Trials) of the Code of Criminal Procedure to prescribe time limits before which a defendant would have to be brought to trial.

Specifically, under the bill, subject to the tolling provisions provided for in Michigan Court Rules (MCR) 6.004(C)(1) to (6) or any successor rule, all of the following would apply to all criminal cases:

- If a person were in jail awaiting trial for a misdemeanor violation of the laws of the State, or a political subdivision of the State, he or she would have to be brought to trial within seven days after he or she was taken into custody.
- If a person were in jail awaiting trial for a felony violation of the laws of the State, and was not to be released within seven days after having been taken to custody, he or she would have to be brought to trial within 90 days after he or she was taken into custody.
- A person awaiting trial for a misdemeanor violation of the laws of the State, or a political subdivision of the State, who was not in custody could assert by motion his or her right to a speedy trial at any time; if this motion were filed, the person would have to be brought to trial within 90 days after the filing of the motion.
- A person awaiting trial for a felony violation of State law who was not in custody could assert by motion his or her right to a speedy trial at any time; if this motion were filed, the person would have to be brought to trial within 180 days after the filing of the motion.

The time periods by which a person awaiting trial would have to be brought to trial could be waived by the person awaiting trial.

MCL 768.1

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill likely would have an indeterminate, negative fiscal impact on State and local court systems.

While the Michigan Constitution and the MCR both mandate a speedy trial for defendants in criminal matters, neither document specifies the maximum length of time that may pass before the trial begins when the defendant is not in custody. Currently, for defendants who are in custody, the trial must begin within 180 days after a request for final disposition under MCR 6.004(D).

The bill would substantially shorten the time period during which a defendant must be brought to trial. While this could decrease costs for pretrial incarceration, it is likely that the processes

for local courts would have to be revised to accommodate the prescribed time limits. It also is possible the Supreme Court would have to amend several of the Michigan Court Rules to accommodate the new time limits, including, for example, the 21-day notice of intent to seek an enhanced sentence under MCR 6.112(F), the 28-day window to amend a witness list under MCR 6.201(A), the 21-day discovery compliance requirements under MCR 6.201(F), and the 14-day release of forensic reports under MCR 6.202(B). Revision of the Michigan Court Rules is a process that often includes public comment and the cost to do so likely would depend upon the scope of the revision.

Date Completed: 12-3-20

Fiscal Analyst: Joe Carrasco
Michael Siracuse