

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

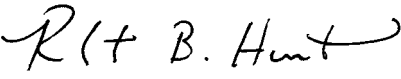
No. 1771

H.P. 1135

House of Representatives, April 25, 2023

An Act Regarding Speedy Trials

Reference to the Committee on Judiciary suggested and ordered printed.


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.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA c. 207** is enacted to read:

3 **CHAPTER 207**

4 **SPEEDY TRIALS**

5 **§1491. Time for commencement of trial**

6 **1. Defendant in custody.** Trial must commence for a defendant who has been
7 detained in a jail or a correctional facility for at least 30 total days while awaiting trial
8 within the following time limits:

9 A. For a defendant charged with murder or a Class A, Class B or Class C crime, trial
10 must commence within 180 days from arraignment or first appearance, whichever is
11 earlier; and

12 B. For a defendant charged with a Class D or Class E crime and not charged with a
13 related Class C or higher crime, trial must commence within 45 days from arraignment
14 or first appearance, whichever is earlier.

15 **2. Defendant not in custody.** Trial must commence for a defendant who has not been
16 detained in a jail or a correctional facility while awaiting trial, or who has been detained in
17 a jail or correctional facility for fewer than 30 total days while awaiting trial, within the
18 following time limits:

19 A. For a defendant charged with murder or a Class A, Class B or Class C crime, trial
20 must commence within 270 days from arraignment or first appearance, whichever is
21 earlier; and

22 B. For a defendant charged with a Class D or Class E crime and not charged with a
23 related Class C or higher crime, trial must commence within 60 days from arraignment
24 or first appearance, whichever is earlier.

25 **3. Time excluded.** The following time periods are excluded in computing the time
26 limits in subsections 1 and 2:

27 A. Delay resulting from a continuance granted at the defendant's request. Before
28 granting a continuance under this paragraph, the court shall advise the defendant of the
29 defendant's right to a speedy trial and the effect of the continuance;

30 B. Delay resulting from an interlocutory appeal;

31 C. Delay resulting from a proceeding relating to the transfer of a case or the removal
32 of any defendant from another county under the Maine Rules of Criminal Procedure,
33 Rule 21 or succeeding rule;

34 D. Delay resulting from transportation of a defendant from another county or to and
35 from a place of examination or hospitalization, except that any time consumed in
36 excess of 5 days from the date of an order of removal or an order directing
37 transportation under this paragraph and the defendant's arrival at the destination is
38 presumed to be unreasonable;

