

SPEEDY TRIAL ACT

AN ACT

To ensure that criminal defendants are provided a proper and speedy trial in accordance with their fifth and sixth amendment rights whilst also simplifying the provisions of the 1974 Act.

INTRODUCED BY

MR. COASTBREEZE of the great state of California introduced this bill on 27 July 2024 (for himself and VICE PRESIDENT CABOT which was later referred to the Committee on the Judiciary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled–

TITLE I – GENERAL PROVISIONS

Section 101. Short Title.

- (a) This Act shall be referred to as the ‘Speedy Trial Act of 2024’ as its short title.

Section 102. Enforcement and Severability.

- (a) This Act remains ‘severable’ in accordance with the severability doctrine maintained and developed by the courts of the United States.
- (b) This Act shall come into effect immediately upon proper constitutionally recognized promulgation.

TITLE II – SPEEDY TRIAL ACT

Section 201. Repeal.

- (a) The Speedy Trial Act of 1974 is repealed in order to avoid any sort of substantial conflict between this Act and the 1974 Act and its associated US Code provisions.
- (b) Any criminal offense established under Title 42 of the US Code shall be repealed and declared null and void and shall not be enforceable in the United States Courts.

Section 202. Statute of Limitations; Revised.

- (a) Section 501(b) of the Judicial and Government Procedures Act of 2024 shall have the words “sixty (60) days” substituted and replaced with “thirty (30) days”.
- (i) Any action that violates this period shall be dismissed as a matter of law.

Section 203. Overzealously Speedy Trials; Protections.

- (a) No criminal defendant shall face trial in less than seven (7) days following a summons being issued and the defendant giving notice to the court of his appearance before them.
- (i) This section shall serve to protect the defendant’s right to prepare a proper and adequate defense before being *forced* into a trial.
- (ii) A defendant *may not* waive his own speedy trial rights. Instead the trial judge must establish that the ‘ends of justice’ would be best served by a continuance.

Section 204. Speedy Trials.

- (a) A defendant shall be presumed to have invoked their speedy trial rights as a matter of law in any criminal action in the relevant court of first instance.
- (b) A trial must take place within ten (10) days upon receiving a summons from the court of first instance.
- (i) The court of first instance may deem these rights have been *waived by omission* if the defense acts in a frivolous, unnecessarily vexatious or bad faith manner in order to delay until it passes the ten (10) day mark.
 - (1) In such a case the court of first instance may deem the right to a speedy trial contained in this section as *waived*.
- (ii) All relevant pretrial motions shall be excluded from this period. See *Henderson v. United States*, 476 U.S. 321, 330 (1986).
 - (1) This exclusion shall only apply in cases where the motions are submitted in a good faith and timely period as to not produce an undue burden on the defendant’s right to a speedy trial.
- (iii) The defendant shall retain a right of appeal to the United States Supreme Court if the lower court determines the defendant to have *waived by omission*.

- (1) The Supreme Court shall determine whether the defendant's acts constitute 'frivolous, unnecessarily vexatious or bad faith'.
- (c) The timer shall not change in either Section 203(a) or Section 204(b) of this Act if the respective government or prosecuting authority seek to amend their complaint or other relevant charging information.

Section 205. Speedy Trial Rights; Dismissals when Invoked.

- (a) The court of first instance shall as a matter of law dismiss with prejudice all matters in which there is a reasonable appearance that the relevant prosecuting authority seeks to avoid the speedy right provisions contained in Title II of this Act by dropping the case and re-charging the defendant.
- (b) The court of first instance shall make a discretionary determination not inconsistent with Section 205(a) of this Act as to whether prejudice should be applied to a *nolle prosequi* request made by the plaintiff(s).
- (c) Dismissals with prejudice shall be in order when the defendant, by a motion to dismiss, alleges that a constitutional right has been unlawfully abridged in the course of criminal proceedings.

Section 206. Speedy Trial rights; Delays on Appeal.

- (a) The timer shall not change in either Section 203(a) or Section 204(b) of this Act if the defendant or respective prosecuting authority pursue an interlocutory appeal and should be treated as 'frozen' upon the date of appeal.

Section 207. Application of Speedy Trial Rights.

- (a) All speedy trial rights explicitly afforded in this Act shall be applicable to criminal proceedings only.