SUBSTITUTE FOR SENATE BILL NO. 791

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter VIII (MCL 768.1).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VIII

2	Sec. 1.	. (1) The	people	of this	state and	persons	charged w	vith
3	a crime are	entitled	to and	shall mu	st have a	speedy	trial and	

- ${f 4}$ determination of all prosecutions. and it is hereby made ${f It}$ is the
- ${f 5}$ duty of all public officers having duties to perform in ${f any}$ ${f a}$
- $\pmb{6}$ criminal case $\pmb{\leftarrow}$ to bring $\pmb{\text{such}}$ the case to a final determination
- 7 without delay except as may be necessary to secure to the accused a
- 8 fair and impartial trial.
 - (2) Subject to the tolling provisions provided for in MCR



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- 1 6.004(C)(1) to (6) or any successor rule and subsection (3), all of 2 the following apply to all criminal cases:
- 3 (a) If a person is in jail awaiting trial for a misdemeanor 4 violation of the laws of this state, or a political subdivision of 5 this state, the person must be brought to trial not more than 7 6 days after he or she is taken into custody.
 - (b) If a person is in jail awaiting trial for a felony violation of the laws of this state, and is not to be released within 7 days of being taken into custody, the person must be brought to trial not more than 90 days after he or she is taken into custody.
 - (c) A person awaiting trial for a misdemeanor violation of the laws of this state, or a political subdivision of this state, who is not in custody may assert by motion his or her right to a speedy trial at any time. If a motion is filed under this subdivision, the person must be brought to trial not more than 90 days after the filing of the motion.
 - (d) A person awaiting trial for a felony violation of the laws of this state who is not in custody may assert by motion his or her right to a speedy trial at any time. If a motion is filed under this subdivision, the person must be brought to trial not more than 180 days after the filing of the motion.
- 23 (3) The time periods by which a person awaiting trial must be 24 brought to trial under subsection (2) may be waived by the person 25 awaiting trial.



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