

Early Approval Act

Senate of SimDemocracy

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Preamble

An Act to increase the efficiency of pre-trial within the Courts, and for other purposes.

Section 1: Amendments

§1. The Court Room Procedures Act is amended by –

§1.1. Replacing Article 8 with the following:

“§1. A pre-trial shall be assigned to a judge on a separate rotating schedule from that one used to assign criminal trials and civil lawsuits, unless the constitutional requirement for judges to be assigned through such a schedule is removed, in which case any judge may start a pre-trial.”

§2. A motion to dismiss the charges may be made if the defendant is able to present evidence proving their innocence.

§2.1. A motion to dismiss may also be filed if the prosecutor has been shown to make multiple frivolous filings against a defendant.

§3. A criminal pre-trial shall follow the following process:

§3.1. The prosecution will bring forward the charge(s), cite the necessary documents, and recommend a sentence suitable for the crimes committed. The Prosecution shall also present evidence on whether the defendant is likely to reoffend if released. The charges presented shall be the same as in the relevant Criminal Complaint. If the charges differ a mistrial shall be declared.

§3.1.1. The Defense may then make a motion to dismiss, or provide evidence to show why the defendant is unlikely to reoffend.

§3.2. The Judge shall then make a determination on whether there is Probable Cause for the Criminal Complaint. If there is not, the complaint must be dismissed and the defendant must be released.

§3.3. The Judge shall then make a determination on whether the defendant is likely to reoffend, by considering –

- (a) The nature, number and seriousness of the accused's charges;
- (b) The accused's criminal history;
- (c) The accused's general character; and,
- (d) Such other factors the Judge considers necessary.

If the Judge determines that the defendant is likely to reoffend, the defendant will be arrested throughout the trial. Otherwise the defendant may be released until the conclusion of the trial.

§3.2. The defense shall plead either guilty, or not guilty to the charge(s).

§3.3. Should the defense plead guilty, the Judge will sentence them during the pre-trial, and end the process here.

§3.3.1. If it appears to the Judge that –

- (a) The Defendant does not understand the nature or consequence of their Guilty Plea; or,
- (b) The Defendant does not completely agree with the facts as set out in the Criminal Complaint,

The Judge may reject the guilty plea and enter a plea of not guilty.

§3.4. Should the defense plead not guilty, the pre-trial shall continue.

§3.4.1. If the defense refuses to make a plea, or does not make a plea within a reasonable time, the Judge shall enter a plea of Not Guilty.

§3.4.1.1. The Court may postpone the taking of a plea, if there is a discussion on a plea deal.

§3.5. Either side may then motion for any motions available during the pre-trial, including motions for redaction of evidence.

§3.6. The court will declare the pre-trial over, and ensure all the documents, preliminary rulings and evidence are prepared for the trial court.

§4. Following a plea of guilty, the defendant may motion for the court to go into mitigation should the defendant disagree with the prosecution's recommended sentence.

§4.1. The defendant may only do so if they are able to show that the conditions of a statutory defense have been met, or if they wish to request clemency.

§4.2. Should the court enter into mitigation, the prosecution shall present the reasoning for the recommended sentence. Following this, the defendant shall present reasoning why the recommended sentence is undue, and recommend a sentence to the Judge.

§4.3. The Judge shall then rule on a sentence, and provide appropriate reasoning. The Judge shall sentence the defendant in accordance with law.

§5. Any evidence either party wishes to use during the trial must be submitted to the courts at the conclusion of the pre-trial.

§5.1. Evidence that has been subpoenaed through a motion shall be admissible regardless."

§1.2. Deleting Article 9 §1. and the associated subsection.

§1.3. Decreasing section numbers in Article 9 by 1.

§1.4. Deleting the text "if the prosecution or defense, acting in their discretion, decides to do so." in Art. 5 §5.1(f).

§2. The Preserving Order with Legal Intent and Civic Excellence Act is amended by –
§2.1. Replacing Article 4 §1. with “Any individual, or group of individuals may be issued an arrest warrant if there is probable cause that they have committed a crime.”

Authored and Signed,
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