
Preamble

Whereas It is expedient to make certain amendments to the Courtroom Procedures Act 2025;

Whereas It is useful to clarify the language within the Act relating to trials;

Whereas It is necessary to make certain amendments to other Acts as well as the Constitution;

Be it enacted by the Senate of SimDemocracy:

Miscellaneous Amendments Act

S. B. 20

Article 1: Amendments

§1. Article 8 of the Courtroom Procedures Act 2025 shall be replaced with the following:

Article 8: Conduct of Trial

§1. These procedures are to be followed at trial –

§1.1. The Prosecution shall give opening statements and briefly explain the evidence by which the Prosecution intends to prove the accused guilty;

§1.1.1. The Defense may give opening statements, or it may choose to do so at §1.6;

§1.2. The Prosecution shall then present any documentary evidence which has been admitted which the Prosecution intends to use, which may be objected to in accordance with Part 3

§1.3. The Prosecution shall then make arguments on the documentary evidence which has been presented; and the Defense may make counterarguments on the documentary evidence;

§1.4. The Prosecution shall then present any witnesses they have admitted; and each witness may be cross-examined by the accused, after which, the Prosecution may re-examine them;

§1.5. After the Prosecution has concluded presentation of the case, the Defense may invite the Court to dismiss the case on the basis that there is no case to answer; that is to say, on the basis that the Prosecution has not proven its case beyond a reasonable doubt, and the Prosecution may reply;

§1.6. If the Court is satisfied that the Prosecution has proven its case beyond a reasonable doubt, it may call upon the Defense to make its opening statements (if it has not already done so), and briefly explain the evidence by which it intends to introduce reasonable doubt;

§1.6.1. If the Court is not satisfied that the Prosecution has proven its case sufficiently pursuant to §1.6; it must find the accused not guilty.

§1.7. The Defense shall then present any documentary evidence which has been admitted, which may be objected to in accordance with Part 3;

§1.8. The Defense shall then make arguments on the documentary evidence which has been presented, and the Prosecution may make counterarguments on the documentary evidence;

§1.9. The Defense shall then present any witnesses they have admitted; and each witness may be cross examined by the Prosecution, after which, the Defense may re-examine them;

§1.10. The Defense shall then sum up their case, and the Prosecution shall then sum up their case.

§1.11. The Judge shall then deliver the verdict concerning the guilt of the defendant within 48 hours.

§1.12. If the accused is found to not be guilty, they are to be released, unless there are other reasons for the detention of the accused.

§1.13. If the defense is found to be guilty, the court shall then proceed to mitigation, where mitigating and aggravating factors may be presented and rebutted by both parties, with the Prosecution presenting aggravating factors first.

§1.14. Regardless of any legislation to the contrary, any party may motion to introduce evidence or witnesses for the purposes listed above when the trial reaches this stage.

§1.15. The Judge shall then have twenty-four (24) hours to deliver a sentence.

§2. The defendant may plead guilty at any time during a criminal trial. If the Judge is satisfied pursuant to Article 7 §3.5.1, they may reject the guilty plea. Otherwise, the defendant shall be convicted and the trial shall proceed to the procedure listed in §1.13.

§3. Should a party find new evidence during the trial which is vital to their case, they shall have the opportunity to enter a motion for recess on the grounds of new information, and apply to have such evidence admitted.

§3.1. Recess on the grounds of new information shall take a maximum of twenty-four (24) hours.

§2. In Article 13 §5. of the Courtroom Procedures Act 2025, insert –

- (k) The proceedings, including messages sent, of any pre-trial or trial taking place within SimDemocracy;
- (l) The proceedings within the Court of Review and the Supreme Court.

§3. In Part 6 of the Courtroom Procedures Act 2025, insert a new Article 28:

Article 28: Language of Court Proceedings

§1. Proceedings in court shall be conducted in English, unless all parties agree to conduct the trial in a different language.

§2. Decisions and verdicts are to be provided in English.

§4. In Article 1 of the Courtroom Procedures Act 2025, insert a new §8:

§8. When this Act refers to the assigning of matters to a Judge (whether on a rotating schedule or otherwise), only Judges who have been appointed and are serving on the Inferior Court shall be permitted to be assigned to the matter.

§5. It is declared, to avoid doubt, that all Judges who were appointed prior to the 25th of September 2025 and who are currently Judges of the Inferior Courts, are Judges of the Inferior Court.

§6. [Omitted]

§7. In Article 5 of the Another Court Improvement Act 2025, insert a new §1.1:

§1.1. The Registrar shall also be empowered to make such inquiries as may be necessary for the enforcement of Article 2 §1. of the Courtroom Procedures Act 2025.
§1.1.1. Any person who receives an inquiry from the Registrar in relation to this subsection is bound to state truthfully and completely what they know within a reasonable time from receiving the inquiry.
§1.1.2. The Registrar may exercise the powers in §1. in relation to their duties under §1.1.

§8. In Article 2 §1.2. of the Criminal Procedure Code, after the second appearance of the word “officer”, insert the text “,or who is employed to serve as an officer of the SDBI, or who is a law enforcement officer”.

§9. In Article 5, §1 of the Criminal Procedure Code, delete “and tie the investigation to an investigation number”.

§10. Article 5, §1.1. of the Criminal Procedure Code is repealed.

§11. In Article 5, §3. of the Criminal Procedure Code, delete the phrases “tie the report to a case number, and” and “that said case number and”.

§12. The Protectorate Act 2024 is repealed.

§13. In Article 12 of the Courtroom Procedures Act 2025, insert a new §4.1.1:

§4.1.1. Despite §4.1, if a witness is hostile, unwilling, is unable to recall certain facts, is part of the opposing party, or has trouble answering the questions, leading questions may be asked.

§4.1.2. Leading questions may also be asked to establish the truth of a contested statement.
§4.1.2.1. It shall not be permitted for a party to contest the truth of a statement of their own witness, except as permitted by §4.1.1.

§14. In Article 20, §1. of the Criminal Code, replace the phrase “the prosecution or” with “a law enforcement officer in the”.

§15. Amend Article 22, §4. of the Civil Code to read:

“§4. Having insufficient funding to pay a person shall be just cause for termination.”

§16. [Omitted]

§17. In Article 33 §1. of the Civil Code, after the word “distress”, insert the phrase “, apprehension, or humiliation”.

§18. Amend Article 56 of the Criminal Code to read:

Article 56: Harassment

§1. A person commits first degree harassment if they intentionally or with reckless disregard caused a person or group of persons to feel undue or unjustifiable apprehension, harassment, alarm, distress or humiliation.

§2. A person commits second degree harassment if they caused a person or group of persons to feel undue or unjustifiable apprehension, harassment, alarm, distress, or humiliation.

§3. A person who causes a person or group of persons to feel undue or unjustifiable apprehension, harassment, alarm, distress, or humiliation shall be rebuttably presumed to have done so with the intention to cause apprehension, harassment, alarm, distress, or humiliation, as the case may be.

§4. The sentences available for first degree harassment shall be a ban of duration above six (6) months.

§5. The sentences available for second degree harassment shall be a ban between one (1) month and one (1) year.

§19. In Appendix A §2. of the Criminal Procedure Code, replace the text “the Supreme Court” with “an appellate court”.

§20. In Article 9 §2.1. of the Courtroom Procedures Act 2025, before the text “specify which element(s)”, insert the words “individually and clearly”.

§21. In Article 5 §1(a) of the Courtroom Procedures Act 2025, insert –

“(a)(iv) To avoid doubt, motion for substitution or recusal of counsel may only be done by the party which has retained that counsel, except as specified in (a)(ii).

§22. Repeal Article 7 of the Build the Wall Act 2025 and decrease the article numbers of article 8 and 9 by 1.

§23. To avoid doubt, it is hereby declared that the Build the Wall Act is brought into force.

§24. In Article 2 §1 of the Build the Wall Act, insert –

“§1.4. That the Immigrating Person is or is likely to, in the future, be a member of a Proscribed Organization.”

§25. In Article 9 of the Courtroom Procedures Act. insert a new Article 9a:

Article 9a: Dismissal of Cases

§1. When cases are dismissed, the Judge shall specify if the case is dismissed with or without prejudice.

§2. A dismissal with prejudice shall have the effect of permanently ending the case, and preventing a case to be brought again based on the same or similar facts and charges.

§3. A Judge shall dismiss a case with prejudice –

- (a) If the case is dismissed after the opening statements at trial;
- (b) If the case, or a case with similar charges or facts has been brought and dismissed without prejudice more than twice;
- (c) If dismissing without prejudice would violate the rights of an accused against being tried twice on the same or similar facts or charges.

§3.1. §3(c) applies for criminal cases only.

§3.2. To avoid doubt, nothing in this Article prevents part of a case from being dismissed without dismissing the entire case.

§26. In Article 4 §1.1. of the Courtroom Procedures Act, after the word “trial”, insert the words “or pre-trial”.

Explanatory Notes:

(slightly outdated, some sections have been changed)

This act makes miscellaneous amendments to random legislation, and the Constitution.

S1 clarifies and explains the trial process more clearly.

S2 adds 2 items which have already been judicially noticeable by precedent to the list of matters which a court takes judicial notice (takes as evidence without needing it to be admitted) of.

S3 specifies that courtroom proceedings are to be conducted in english.

S4 and S5 fix an issue where judges of the Court of Review could theoretically be assigned to an Inferior Court case.

S6 requires objections to evidence to be made at pre-trial, so that people will be able to fix their evidence before proceeding to trial.

S7 allows the registrar to enforce the filing requirements in the CPA.

S8 expands the definition of “police officer” in the Criminal Code to avoid doubt.

S9, 10 and 11 repeal the requirements for a case number.

S12 repeals the Protectorate Act 2024, an act which was judicially reviewed and is not used.

S13 adds procedures for hostile witnesses to be asked leading questions.

S14 abolishes the use of obstruction of justice charges for the interference of prosecution, as that essentially makes dropping charges illegal.

S15 rewords the exemption to the tort of wrongful dismissal.

S16 adds an exemption to wrongful dismissal, which is that the President may terminate members of their cabinet.

S17 and S18 allows apprehension and humiliation to be recognized as a form of harassment.

S19 updates the language in the CPC to include the CoR, which may also receive appeals of TOS bans.

S20 requires charging elements to be clearly specified.

Article 2 updates the language of the writs to be clearer, and also removes the definitions of writs which are generally incorrect (as an example, quashing orders can only be issued for jurisdiction or natural justice problems. Natural justice is not defined anywhere in the constitution, rather we use the right to a fair hearing.). The definitions are also not useful, as the Supreme Court is given wide discretion over what types of directions, orders or writs it may issue and is not bound solely to the defined writs.

*It also changes the IC writs to habeas corpus only, which is already the case due to a previous decision (see *In re Writ of Prohibition - Lucas v Department of Justice* [2025] SDSC 27).*

*Article 3 abolishes the common law duty for persons who have committed egregious TOS violations to be contacted (see *Reference re Length of Summary Bans* [2020] SDSC 22) which was accidentally removed previously, and makes amendments to remove the sentencing provisions from that section of liberty and security, as they are not enforced. It also fixes some*

incorrect language which allows actions to be taken to “enforc[e] egregious violations of the [...]TOS]”, which appears to mean that the actions are to be made to allow people to commit violations of the TOS.

Article 4 declares Tech Support as the old japanese man at the company that does nothing.