**Rule 212 - Working Proposals**

**Version 10-4-2017**

**Rule 212. Pleadings and Motions Before Trial**

**(a) Pleadings and Motions.**Pleadings shall consist of the complaint or summons and complaint and pleas of guilty, not guilty, or nolo contendere. All other pleas, demurrers, and motions to quash are abolished, and defenses and objections raised before trial which heretofore could have been raised by one or more of them shall be raised only by motion to dismiss or to grant appropriate relief, or as provided in these rules.

**(b) ~~Oral or Written Motions.~~**~~All motions shall be oral unless otherwise ordered by the court.~~ **The Motion Raising Defenses and Objections.**

**~~(c)~~ (1) Defenses and Objections Which May be Raised.**Any defense or objection which is capable of determination without the trial of the general issue may be raised by motion.

**~~(d)~~ (2) Defenses and Objections Which Must Be Raised.**Defenses and objections based on defects in the institution of the prosecution or in the complaint or summons and complaint other than that it fails to show jurisdiction in the court or to charge an offense may be raised only by motion. The motion shall include all such defenses and objections then available to the defendant. Failure thus to present any such defense or objection constitutes a waiver of it, but the court for cause shown may grant relief from the waiver. Lack of jurisdiction or the failure of the complaint or summons and complaint to charge an offense shall be noticed by the court at any time during the proceeding.

**~~(e)~~ (3) Time for Making Motion.**The motion shall be made before the plea is entered, but the court may permit it to be made within a reasonable time thereafter.

**~~(f)~~ (4) Hearing on Motion.**A motion before trial raising defenses or objections under section ~~(c)~~ (1) or ~~(d)~~ (2) shall be determined before the day of trial unless the court orders that it be deferred for determination at or after the trial of the general issue.

**~~(g)~~ (5) Effect of Determination.**If a motion is determined adversely to the defendant, the defendant shall be permitted to plead if no plea has previously been made. A plea previously entered shall stand.

Other proposed:

**~~(e)~~ (3) Time for Making Motion.**The motion shall be made ~~before the plea is entered~~ within 21 days following arraignment, but the court may permit it to be made within a reasonable time thereafter.