
ENGROSSED HOUSE BILL 2679

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Morris, Long, Springer, Chappell, Campbell,
Johanson, Brough, Moak, Fuhrman, Padden, Mielke, Cooke and Van Luven

Read first time 01/19/94. Referred to Committee on Judiciary.

1 AN ACT Relating to stay of judgment; and amending RCW 9.95.062.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 9.95.062 and 1989 c 276 s 1 are each amended to read
4 as follows:

5 (1) Except as provided in subsections (2) and (3) of this section
6 and notwithstanding CrR 3.2 or RAP 7.2, an appeal by a defendant in a
7 criminal action shall not stay the execution of the judgment of
8 conviction, ((if)) unless the court determines by a preponderance of
9 the evidence that:

10 (a) The defendant is ((likely)) unlikely to flee or unlikely to
11 pose a danger to the safety of any other person or the community if the
12 judgment is stayed; or

13 (b) The delay resulting from the stay will not unduly diminish the
14 deterrent effect of the punishment; or

15 (c) A stay of the judgment will not cause unreasonable trauma to
16 the victims of the crime or their families; or

17 (d) The defendant has ((not)) undertaken to the extent of the
18 defendant's financial ability to pay the financial obligations under

1 the judgment or has ((not)) posted an adequate performance bond to
2 assure payment.

3 (2) An appeal by a defendant convicted of a serious violent or sex
4 offense as defined in RCW 9.94A.030 shall not stay execution of the
5 judgment of conviction.

6 (3) An appeal by a defendant convicted of a "crime against persons"
7 as defined in RCW 9.94A.440 or a "crime of harassment" as defined in
8 RCW 9A.46.060 which is not a serious violent or sex offense shall not
9 stay execution of the judgment of conviction unless the court finds by
10 clear, cogent, and convincing evidence that:

11 (a) The defendant is unlikely to flee or unlikely to pose a danger
12 to the safety of the victim, any other person, or the community if the
13 judgment is stayed; or

14 (b) A stay of the judgment will not cause unreasonable trauma to
15 the victims of the crime or their families.

16 (4) The court shall obtain the input of the crime victims or the
17 victims' families if available when the court considers whether to stay
18 the judgment.

19 (5) In any contested bail hearing, the court shall make findings of
20 fact under this section.

21 (6) In case the defendant has been convicted of a felony, and has
22 been unable to obtain release pending the appeal by posting an appeal
23 bond, cash, adequate security, release on personal recognizance, or any
24 other conditions imposed by the court, the time the defendant has been
25 imprisoned pending the appeal shall be deducted from the term for which
26 the defendant was sentenced, if the judgment is affirmed.

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