
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 subsection (2) of this section and
6 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 the court determines by a preponderance of the evidence
9 that:

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

13 (b) The delay resulting from the stay will unduly diminish the
14 deterrent effect of the punishment; or

15 (c) A stay of the judgment will cause unreasonable trauma to the
16 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 assure
2 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) In case the defendant has been convicted of a felony, and has
7 been unable to obtain release pending the appeal by posting an appeal
8 bond, cash, adequate security, release on personal recognizance, or any
9 other conditions imposed by the court, the time the defendant has been
10 imprisoned pending the appeal shall be deducted from the term for which
11 the defendant was sentenced, if the judgment is affirmed.

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