
SENATE BILL 5471

State of Washington 58th Legislature 2003 Regular Session

By Senators Esser and Kastama

Read first time 01/27/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to appeals by the state or local governments in
2 criminal cases; and adding a new section to chapter 10.73 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.73 RCW
5 to read as follows:

6 Except as provided in Rules of Appellate Procedure 2.2 (c), the
7 state or a local government may appeal in a criminal case only from the
8 following superior court decisions and only if the appeal will not
9 place the defendant in double jeopardy:

10 (1) Final decision except not guilty. A decision which in effect
11 abates, discontinues, or determines the case other than by a judgment
12 or verdict of not guilty, including but not limited to a decision
13 setting aside, quashing, or dismissing an indictment or information;

14 (2) Pretrial order suppressing evidence. A pretrial order
15 suppressing evidence, if the trial court expressly finds that the
16 practical effect of the order is to terminate the case;

17 (3) Arrest or vacation of judgment. An order arresting or vacating
18 a judgment;

19 (4) New trial. An order granting a new trial;

1 (5) Disposition in juvenile offense proceeding. (a) A disposition
2 in a juvenile offense proceeding which is below the standard range of
3 disposition for the offense or which the state or local government
4 believes involves a miscalculation of the standard range; (b) a
5 disposition that fails to impose mandatory legal financial obligations;
6 or (c) a disposition that fails to impose statutorily required
7 conditions of sentence;

8 (6) Sentence in criminal case. (a) A sentence in a criminal case
9 which is outside the standard range for the offense or which the state
10 or local government believes involves a miscalculation of the standard
11 range; (b) a sentence that fails to impose mandatory legal financial
12 obligations; (c) a sentence for which the offender's eligibility is at
13 issue; or (d) a disposition that fails to impose statutorily required
14 conditions of sentence.

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