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HOUSE BILL 2716

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Goodman, Hurst, and VanDeWege

Read first time 01/16/08. Referred to Committee on Judiciary.

1            AN ACT Relating to reviewing appeals; and adding a new section to  
2 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            (1) Notwithstanding any provision of rules of appellate procedure  
7 2.2(b)(2) and the rules for appeal of decisions of courts of limited  
8 jurisdiction 2.2(b)(2), in a criminal case, the state of Washington  
9 may, before jeopardy has attached, appeal as a matter of right a  
10 decision or order suppressing or excluding evidence, if the prosecution  
11 certifies to the trial court that the appeal is not taken for purpose  
12 of delay and that the evidence is a substantial proof of a fact  
13 material in the proceeding.

14            (2) Failure to seek review as provided in subsection (1) of this  
15 section shall not preclude the state of Washington from exercising any  
16 other right of appeal or review established by the Constitution,  
17 statute, the rules of appellate procedure, or the rules for appeal of

1 decisions of courts of limited jurisdiction.

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