

WSR 25-18-015
RULES OF COURT
STATE SUPREME COURT
[July 2, 2025]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO CrR 8.3/CrRLJ 8.3) NO. 25700-A-1655
-DISMISSAL)

The King County Department of Public Defense, the Washington State Office of Public Defense, the Washington Defender Association, and the Snohomish County Office of Public Defense, having recommended the adoption of the proposed amendments to CrR 8.3/CrRLJ 8.3—Dismissal, and the Court having published the proposed amendments for comment, and having considered the proposed amendments, and having determined that the proposed amendments as revised by the Court will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as revised by the Court as shown below are adopted.

(b) That the proposed amendments as revised by the Court will be published in the Washington Reports and will become effective September 1, 2025.

DATED at Olympia, Washington this 2nd day of July, 2025.

Stephens, C.J.
Yu, J.
Madsen, J. Montoya-Lewis, J.
Gonzalez, J. Whitener, J.
Gordon McCloud, J. Mungia, J.

CrR 8.3
DISMISSAL

(a) [Unchanged.]

(b) On Motion of Court. The court, in the furtherance of justice, after notice and hearing, may dismiss any criminal prosecution due to arbitrary action or governmental misconduct when there has been prejudice to the rights of the accused which materially affect the accused's right to a fair trial. In deciding whether to dismiss, the court shall consider the following factors in addition to any other information the court believes is relevant to the inquiry:

- (1) the seriousness and circumstances of the offense;
(2) the impact of a dismissal or lack of dismissal on the safety or welfare of the community (the defendant is part of the community);
(3) the impact of a dismissal or lack of dismissal upon the confidence of the public in the criminal justice system;
(4) the degree and impact of the arbitrary action or governmental misconduct.

The court shall set forth its reasons in a written order.

(c) [Unchanged.]

Comment

[Unchanged.]

CrRLJ 8.3
DISMISSAL

(a) [Unchanged.]

(b) **On Motion of Court.** The court, in the furtherance of justice, after notice and hearing, may dismiss any criminal prosecution due to arbitrary action or governmental misconduct when there has been prejudice to the rights of the accused ~~which materially affect the accused's right to a fair trial.~~ In deciding whether to dismiss, the court shall consider the following factors in addition to any other information the court believes is relevant to the inquiry:

(1) the seriousness and circumstances of the offense;

(2) the impact of a dismissal or lack of dismissal on the safety or welfare of the community (the defendant is part of the community);

(3) the impact of a dismissal or lack of dismissal upon the confidence of the public in the criminal justice system;

(4) the degree and impact of the arbitrary action or governmental misconduct.

The court shall set forth its reasons in a written order.

(c) [Unchanged.]