

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 9 - 0 - 0

Yeas: Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker

Nays: 0

Exc.: 0

Prepared By: Mike Schmidt, Counsel

Meeting Dates: 4/30

WHAT THE MEASURE DOES: Allows trial court to stay execution of sentence while defendant pursues appeal after considering factors such as nature of offense; severity of sentence imposed; health of defendant; character and strength of evidence; criminal history of defendant; likelihood that defendant will appear in court and comply with conditions of release; likelihood appellate court will reverse sentence. Grants authority to court to set terms of release. Requires defendant to appear upon notice from court to do so.

ISSUES DISCUSSED:

- Clarifies existing statute so that courts and practitioners know the trial court has this authority

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 2009 there was a case in Washington County where a teacher was convicted of Sex Abuse in the first degree. The attorney argued that the court could stay the sentence pending appeal, but the trial court did not believe it had the authority to do so. That case was ultimately overturned on appeal. Senate Bill 39 makes clear the trial court has that authority and enumerates the factors that are to be considered.