

HOUSE BILL NO. HB0052

State's right of appeal in criminal cases.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; establishing a right
2 of appeal for the state in criminal cases as specified;
3 providing requirements and limitations for the state to
4 appeal in criminal cases; and providing for an effective
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 7-12-105 is created to read:

10

11 **7-12-105. Appeals by the state in criminal cases.**

12

13 (a) The state may, as a matter of right, appeal from
14 the following orders and judgments:

15

1 (i) A final judgment of dismissal of an
2 indictment or information or any count thereof, including a
3 dismissal of a felony information following a decision not
4 to bind the defendant over for trial;

5

6 (ii) An order before trial that suppresses any
7 evidence, including physical or identification evidence or
8 evidence of a confession or admission;

9

10 (iii) An order granting a motion to withdraw a
11 plea of guilty or no contest;

12

13 (iv) An order arresting or modifying a judgment
14 of conviction;

15

16 (v) An order terminating the prosecution because
17 of a finding of double jeopardy or the denial of a speedy
18 trial;

19

20 (vi) An order granting a new trial;

21

22 (vii) An order holding a statute or any part of
23 a statute invalid;

1

2 (viii) An order adjudicating that a defendant is
3 incompetent or has a mental illness or deficiency that
4 makes the defendant unfit to proceed;

5

6 (ix) An order adjudicating that a defendant
7 lacks the requisite mental capacity for the execution of
8 the defendant under W.S. 7-13-902;

9

10 (x) An order finding that a sentence is illegal
11 or that corrects an illegal sentence;

12

13 (xi) An order dismissing a charge under W.S.
14 6-2-602.

15

16 (b) In addition to any appeal permitted under
17 subsection (a) of this section, the state may seek
18 discretionary appellate review of any interlocutory order
19 entered before jeopardy attaches.

20

21 **Section 2.** This act is effective July 1, 2025.

22

23

(END)