

Introduced by Senator Poochigian

February 17, 2005

An act to amend Section 1237 of the Penal Code, relating to appeals.

LEGISLATIVE COUNSEL'S DIGEST

SB 450, as introduced, Poochigian. Appeals: fugitive defendants.

Existing law prescribes procedures for appeals by criminal defendants.

This bill would provide that no appeal may be taken by a fugitive defendant, or a defendant who has otherwise removed himself or herself from the jurisdiction of the appellate court. The bill would also provide that notwithstanding any other provision of law, no appeal may be reinstated, if the reinstatement is necessary because the defendant was not within the jurisdiction of the appellate court because the defendant was a fugitive or otherwise removed himself or herself from the jurisdiction of the appellate court during the pendency of the appeal.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1237 of the Penal Code is amended to
- 2 read:
- 3 1237. (a) An appeal may be taken by the defendant:
- 4 ~~(a)~~
- 5 (1) From a final judgment of conviction except as provided in
- 6 Section 1237.1 and Section 1237.5. A sentence, an order granting
- 7 probation, or the commitment of a defendant for insanity, the

1 indeterminate commitment of a defendant as a mentally
2 disordered sex offender, or the commitment of a defendant for
3 controlled substance addiction shall be deemed to be a final
4 judgment within the meaning of this section. Upon appeal from a
5 final judgment the court may review any order denying a motion
6 for a new trial.

7 ~~(b)~~

8 (2) From any order made after judgment, affecting the
9 substantial rights of the party.

10 *(b) No appeal may be taken by a fugitive defendant, or a*
11 *defendant who has otherwise removed himself or herself from the*
12 *jurisdiction of the appellate court. Notwithstanding any other*
13 *provision of law, no appeal may be reinstated, if the*
14 *reinstatement is necessary because the defendant was not within*
15 *the jurisdiction of the appellate court because the defendant was*
16 *a fugitive or otherwise removed himself or herself from the*
17 *jurisdiction of the appellate court during the pendency of the*
18 *appeal.*