

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

Senate Engrossed
FILED
JANICE K. BREWER
SECRETARY OF STATE

CHAPTER 25

SENATE BILL 1068

AN ACT

AMENDING SECTION 13-4033, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL APPEALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-4033, Arizona Revised Statutes, is amended to
3 read:
4 13-4033. Appeal by defendant
5 A. An appeal may be taken by the defendant only from:
6 1. A final judgment of conviction or verdict of guilty except insane.
7 2. An order denying a motion for a new trial. ~~or from~~
8 3. An order made after judgment affecting the substantial rights of
9 the party.
10 ~~3-~~ 4. A sentence on the grounds that it is illegal or excessive.
11 B. In noncapital cases a defendant may not appeal from a judgment or
12 sentence that is entered pursuant to a plea agreement or an admission to a
13 probation violation.
14 C. A DEFENDANT MAY NOT APPEAL UNDER SUBSECTION A, PARAGRAPH 1 OR 2 IF
15 THE DEFENDANT'S ABSENCE PREVENTS SENTENCING FROM OCCURRING WITHIN NINETY DAYS
16 AFTER CONVICTION AND THE DEFENDANT FAILS TO PROVE BY CLEAR AND CONVINCING
17 EVIDENCE AT THE TIME OF SENTENCING THAT THE ABSENCE WAS INVOLUNTARY.

APPROVED BY THE GOVERNOR APRIL 14, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2008.