

Chapter 30

Extradition

77-30-1 Definitions.

Where appearing in this act, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor and any person performing the functions of governor in a state other than this state. The term "state," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.

Enacted by Chapter 15, 1980 General Session

77-30-2 Duty of governor to deliver person charged with crime upon demand by other state.

Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all Acts of Congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime who has fled from justice and is found in this state.

Enacted by Chapter 15, 1980 General Session

77-30-2.5 Assistance from Department of Criminal Justice.

The governor may direct the Department of Criminal Justice created in Section 75E-2-102 to assist with the governor's responsibilities described in this chapter.

Enacted by Chapter 291, 2026 General Session

77-30-3 Form of demand -- What documents presented must show.

No demand for the extradition of a person charged with a crime in another state shall be recognized by the governor unless in writing alleging, except in cases arising under Section 77-30-6, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter the accused fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon or by a copy of a judgment of conviction or of a sentence composed in execution, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of the person's bail, probation or parole. The indictment, information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state and the copy of the indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

Amended by Chapter 302, 2025 General Session

77-30-4 Governor may investigate demand.

When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with a crime, the governor may call upon

the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to the governor the situation and circumstances of the person so demanded, and whether the person ought to be surrendered.

Amended by Chapter 302, 2025 General Session

77-30-5 Extradition for prosecution before conclusion of trial or term in other state -- Return of person involuntarily leaving demanding state.

- (1) When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against the person in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or the person's term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated
- (2) The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in Section 77-30-23 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

Amended by Chapter 302, 2025 General Session

77-30-6 Extradition for crime committed in another state by person while in this state.

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state, in the manner provided in section 77-30-3, with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent shall apply to such cases even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Enacted by Chapter 15, 1980 General Session

77-30-7 Governor's warrant of arrest -- Recitals.

If the governor decides that the demand should be complied with, the governor shall sign a warrant of arrest, which shall be sealed with the state seal, directed to any peace officer or other person whom the governor may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Amended by Chapter 302, 2025 General Session

77-30-8 Execution of warrant of arrest.

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where the accused may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act, to the duly authorized agent of the demanding state.

Amended by Chapter 281, 2018 General Session

77-30-9 Authority of officers under warrant of arrest.

Every such peace officer or other person empowered to make the arrest shall have the same authority in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

Enacted by Chapter 15, 1980 General Session

77-30-10 Time to apply for habeas corpus allowed.

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding the arrested person shall have appointed to receive the arrested person unless the arrested person shall first be taken forthwith before a judge of a court of record in this state who shall inform the arrested person of the demand made for the arrested person's surrender and of the crime with which the arrested person is charged and that the arrested person has the right to demand and procure legal counsel and if the prisoner or the prisoner's counsel shall state that the prisoner or the prisoner's counsel desires to test the legality of the prisoner's arrest, the judge of such court of record shall fix a reasonable time to be allowed the prisoner within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof and the time and place of hearing thereon shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Amended by Chapter 302, 2025 General Session

77-30-11 Penalty for disobedience of habeas corpus.

Any officer who shall deliver to the agent for extradition of the demanding state a person in the officer's custody under the governor's warrant, in willful disobedience to Section 77-30-10, shall be guilty of a misdemeanor and on conviction shall be fined not more than \$1,000 or be imprisoned in the county jail not more than six months, or both.

Amended by Chapter 302, 2025 General Session

77-30-12 Officers entitled to use local jails.

- (1) The officer or persons executing the governor's warrant of arrest or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which the officer or person having charge of the prisoner may pass and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of the prisoner is ready to proceed, such officer or person being chargeable with the expense of keeping.
- (2) The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which the officer or person having charge of the prisoner may pass, and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of the prisoner is ready to proceed, such officer or agent being chargeable with the expense of keeping; provided, such officer or agent shall produce and show to the keeper of such jail satisfactory

written evidence of the fact that the officer or agent is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

Amended by Chapter 302, 2025 General Session

77-30-13 Fugitives from justice -- Warrant of arrest.

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state, and, except in cases arising under Section 77-30-6, that the person charged has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of the person's bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the person has been charged in such state with the commission of the crime, and except in cases arising under Section 77-30-6, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of the person's bail, probation or parole, and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding the officer to apprehend the person named therein, wherever the named person may be found in this state, and to bring the named person before the same or any judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Amended by Chapter 302, 2025 General Session

77-30-14 Arrest without warrant.

The arrest of a person may be lawfully made also by any peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused person must be taken before a judge or magistrate with all practicable speed and complaint must be made against the accused person under oath setting forth the ground for the arrest as in Section 77-30-13, and thereafter the accused person's answer shall be heard as if the accused person had been arrested on a warrant.

Amended by Chapter 302, 2025 General Session

77-30-15 Commitment pending arrest under warrant of governor.

If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged, and, except in cases arising under Section 77-30-6, that the accused person has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit the accused person to the county jail for such a time not exceeding 30 days and specified in the warrant as will enable the arrest of the accused person to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused person gives bail as provided in the next section or until the accused person shall be legally discharged.

Amended by Chapter 302, 2025 General Session

77-30-16 Amount of bail.

- (1) Except as provided in Subsection (2), a judge or magistrate in this state may admit the person arrested to bail by bond with sufficient sureties and in an amount the judge or magistrate considers proper, conditioned for the arrested person's appearance before the judge or magistrate at a time specified in the bond and for the arrested person's surrender, to be arrested upon the warrant of the governor of this state.
- (2) A person arrested under Section 77-30-13 shall be admitted to bail as a matter of right, except the court has discretion to deny bail as provided in Utah Constitution Article I, Section 8, and when a judge or magistrate in the demanding state has ordered that the person charged be held without bail or the person has waived extradition.
- (3) There is a rebuttable presumption that the bail set by the court or magistrate in the demanding state is the proper amount of bail in this state.

Amended by Chapter 302, 2025 General Session

77-30-17 Procedure when no arrest made under warrant of governor.

If the accused person is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge the accused person or may recommit the accused person for a further period not to exceed 60 days, or a judge or magistrate may again take bail for the accused person's appearance and surrender, as provided in Section 77-30-16, but within a period not to exceed 60 days after the date of such new bond.

Amended by Chapter 302, 2025 General Session

77-30-18 Forfeiture of bail.

If the prisoner is admitted to bail and fails to appear and surrender according to the conditions of the prisoner's bond, the judge or magistrate by proper order shall declare the bond forfeited and order the prisoner's immediate arrest without warrant if the prisoner is within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

Amended by Chapter 281, 2018 General Session

77-30-19 Procedure if prosecution pending in this state.

- (1) If a criminal prosecution has been instituted against a defendant under the laws of this state and is still pending, the governor may either surrender the defendant on demand of the executive authority of another state or hold the defendant until the defendant has been tried and either convicted and sentenced, acquitted, or otherwise discharged in this state.
- (2) Unless tolling is contrary to state or federal law, the period of time for extradition shall be tolled when local charges are pending in this state.

Amended by Chapter 192, 2023 General Session

77-30-20 Governor not to inquire into guilt or innocence.

The guilt or innocence of the accused person as to the crime of which the accused person is charged in another state may not be inquired into by the governor or in any proceeding after the

demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor, except as it may be involved in identifying the accused person held as the person charged with the crime.

Amended by Chapter 302, 2025 General Session

77-30-21 Governor's warrant of arrest recalled or another issued.

The governor may recall the governor's warrant of arrest or may issue another warrant whenever the governor deems proper.

Amended by Chapter 302, 2025 General Session

77-30-22 Fugitives from this state -- Issuance of governor's warrant.

Whenever the governor of this state shall demand a person charged with a crime or with escaping from confinement or breaking the terms of bail, probation, or parole in this state from the executive authority of any other state or from the chief justice or an associate justice of the superior court of the District of Columbia authorized to receive such demand under the laws of the United States, the governor shall issue a warrant under the seal of this state to some agent, commanding the agent to receive the person so charged if delivered to the agent and convey the charged person to the proper officer of the county in this state in which the offense was committed.

Amended by Chapter 302, 2025 General Session

77-30-23 Fugitives from this state -- Applications for requisition for return.

- (1) When the return to this state of a person charged with a crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place, and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.
- (2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county from which escape was made shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement, or of the breach of the terms of his bail, probation, or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.
- (3) The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate stating the offense with which the accused is charged, or of the judgment or conviction, or of the sentence.
- (4) The prosecuting officer, parole board, warden, or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application with the action of the governor indicated by

endorsement thereon and one of the certified copies of the indictment, complaint, information, and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the governor to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

Amended by Chapter 306, 2007 General Session

77-30-24 Payment of expenses -- Extradition costs.

- (1)
 - (a) When the punishment of an offense is the confinement of the defendant in prison, the expenses shall be paid out of the state treasury on the certificate of the governor and warrant of the auditor.
 - (b) In all other cases, the expenses for confinement shall be paid out of the treasury of the county where the offense is alleged to have been committed.
 - (c) The expenses shall be the fees paid to the officers of the state on whose governor the requisition is made.
- (2) If a defendant is returned to the state under this chapter and the defendant is convicted of, or pleads guilty or no contest to, the offense or to a lesser offense, the defendant may be required to pay the costs of extradition to the appropriate governmental entity as described in Subsection 76-3-201(4)(b).

Amended by Chapter 497, 2023 General Session

77-30-25 Individual brought into state on extradition exempt from civil process -- Waiver of extradition proceedings -- Nonwaiver by this state.

- (1) An individual brought into this state by or after waiver of extradition based on a criminal charge is not subject to service of personal process in a civil action arising out of the same facts as the criminal proceedings to answer which the individual is being or has been returned until the individual has been convicted in the criminal proceedings, or, if acquitted, until the individual has had reasonable opportunity to return to the state from which the individual was extradited.
- (2)
 - (a) An individual arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement or broken the terms of the individual's bail, probation, or parole may waive the issuance and service of the warrant provided for in Sections 77-30-7 and 77-30-8, and a procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing that states that the individual consents to return to the demanding state, except that before the waiver is executed or subscribed by the individual, it shall be the duty of the judge to inform the individual of the individual's rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in Section 77-30-10.
 - (b) The judge shall direct the officer having an individual in custody to deliver forthwith the individual to the accredited agent or agents of the demanding state and shall deliver or cause to be delivered to the accredited agent or agents a copy of the consent except that nothing in this section may be considered to limit the rights of the accused individual to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be considered to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this state.

- (3) Nothing in this chapter may be considered to constitute a waiver by this state of its right, power, or privilege to try the demanded individual for a crime committed within this state, or of its right, power, or privilege to regain custody of the individual by extradition proceedings or otherwise for the purpose of trial, sentence, or punishment for any crime committed within this state, nor shall any proceedings had under this chapter, which result in or fail to result in extradition, be considered a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

Amended by Chapter 429, 2019 General Session

77-30-26 Prosecution not limited to crime specified in requisition.

After a person has been brought back to this state by or after waiver of extradition proceedings, the person may be tried in this state for other crimes which the person may be charged with having committed here as well as that specified in the requisition for the person's extradition.

Amended by Chapter 302, 2025 General Session

77-30-26.5 Person who has violated parole or probation agreement with demanding state.

- (1) A law enforcement agency that is holding a person subject to extradition based on having allegedly violated the terms of the person's probation, parole, bail, or other terms of release in the demanding state shall immediately release the person to the authorized agent of the demanding state. A governor's warrant is not required in order to return the person if:
- (a) the person has previously signed a waiver of extradition as a term of the person's probation, parole, bail, or other terms of release in the demanding state;
 - (b) the law enforcement agency holding the person has received:
 - (i) an authenticated copy of the prior waiver of extradition signed by the person; and
 - (ii) a photograph and fingerprints identifying the person as the person who signed the waiver.
- (2) Utah may, prior to releasing a person to the authorized agent of the demanding state, prosecute the person for any criminal offense committed in Utah.
- (3) This section does not affect or limit:
- (a) the right of the person sought by the demanding state to return to the demanding state voluntarily and without governmental action;
 - (b) the authority of the law enforcement or parole officers of Utah or the demanding state; or
 - (c) any procedures regarding waiver of extradition under Title 77, Chapter 30, Extradition.

Enacted by Chapter 156, 2007 General Session

77-30-27 Uniformity of interpretation.

The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

Enacted by Chapter 15, 1980 General Session

77-30-28 Citation -- Uniform Criminal Extradition Act.

This act may be cited as the Uniform Criminal Extradition Act.

Enacted by Chapter 15, 1980 General Session

