

AMENDMENTS TO EXTRADITION STATUTE

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott L Wyatt

Senate Sponsor: Darin G. Peterson

LONG TITLE

General Description:

This bill modifies Title 77, Chapter 30, Extradition, regarding persons in Utah who have violated a parole or probation agreement entered into with another state.

Highlighted Provisions:

This bill:

▶ provides that a person in Utah who has violated a probation, parole, bail, or other release agreement the person entered into with another state may be ~~held~~ **released** to the demanding state without the need for a governor's warrant of extradition;

▶ provides that Utah may, prior to returning the person to the demanding state, try the person for any offenses the person committed in Utah; and

▶ clarifies that the person may return voluntarily to the demanding state.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-30-26.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **77-30-26.5** is enacted to read:

29 **77-30-26.5. Person who has violated parole or probation agreement with**
 30 **demanding state.**

31 (1) A law enforcement agency that is holding a person subject to extradition based on
 32 having allegedly violated the terms of the person's probation, parole, bail, or other terms of
 33 release in the demanding state shall immediately ~~H→~~ [deliver] release ~~←H~~ the person to the
 33a authorized agent of

34 the demanding state. A governor's warrant is not required in order to return the person if:

35 (a) the person has previously signed a waiver of extradition as a term of the person's
 36 probation, parole, bail, or other terms of release in the demanding state;

37 (b) the law enforcement agency holding the person has received:

38 (i) an authenticated copy of the prior waiver of extradition signed by the person; and

39 (ii) a photograph and fingerprints identifying the person as the person who signed the
 40 waiver.

41 (2) Utah may, prior to ~~H→~~ [delivering] releasing ~~←H~~ a person to the ~~H→~~ authorized
 41a agent of the ~~←H~~ demanding state, prosecute the person
 42 for any criminal offense committed in Utah.

43 (3) This section does not affect or limit:

44 (a) the right of the person sought by the demanding state to return to the demanding
 45 state voluntarily and without governmental action;

46 (b) the authority of the law enforcement or parole officers of Utah or the demanding
 47 state; or

48 (c) any procedures regarding waiver of extradition under Title 77, Chapter 30,
 49 Extradition.

Legislative Review Note
 as of 1-15-07 5:10 PM

Office of Legislative Research and General Counsel

H.B. 270 - Amendments to Extradition Statute

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/22/2007, 8:01:29 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst