

1                                   **AMENDMENTS TO EXTRADITION STATUTE**

2   2007 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Scott L Wyatt**

5   Senate Sponsor: Darin G. Peterson

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7   **LONG TITLE**

8   **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

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

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

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

19 **Monies Appropriated in this Bill:**

20           None

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 ENACTS:

25           **77-30-26.5**, Utah Code Annotated 1953

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27 *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 release the person to the 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 releasing a person to the authorized agent of the demanding  
42 state, prosecute the person 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.