

EXTRADITION TOLLING AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the tolling for an extradition waiver if a defendant is subject to criminal charges in this state.

Highlighted Provisions:

This bill:

- ▶ allows a defendant's waiver of extradition to be tolled while a defendant is subject to criminal charges in this state; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-30-19, as enacted by Laws of Utah 1980, Chapter 15

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

Section 1. Section **77-30-19** is amended to read:

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

(1) If a criminal prosecution has been instituted against ~~[such person]~~ a defendant



28 under the laws of this state and is still pending, the governor~~[, in his discretion,]~~ may either
29 surrender ~~[him]~~ the defendant on demand of the executive authority of another state or hold
30 ~~[him until he]~~ the defendant until the defendant has been tried and ~~[discharged or]~~ either
31 convicted and ~~[punished]~~ sentenced, or acquitted in this state.

32 (2) The period of time for extradition shall be tolled when local charges are pending in
33 this state. The defendant's waiver is unenforceable until the defendant is timely tried and either
34 convicted and sentenced, or acquitted in this state.