

§226. Waiver of extradition

A person 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 person's bail, probation or parole may waive the issuance and service of the warrant provided for in sections 207 and 208 and all other procedures 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 person consents to return to the demanding state. Before a waiver is executed or subscribed by such a person, it is the duty of the judge to inform the person of the person's rights to await the issuance and service of a warrant of extradition and to contest extradition following issuance of the warrant of the Governor as provided for in section 210. Following waiver of extradition, the person must be placed in custody without bail to await delivery to the agent of the demanding state. The agent of the demanding state need not be present at the waiver. [RR 2023, c. 2, Pt. D, §35 (COR).]

If and when such consent has been duly executed, it must forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having the person in custody to deliver forthwith the person to the duly accredited agent or agents of the demanding state and shall deliver or cause to be delivered to the agent or agents a copy of the consent. This section does not limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor may the 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. [RR 2023, c. 2, Pt. D, §35 (COR).]

Notwithstanding any other provision of law, a law enforcement agency in this State holding a person who is alleged to have broken the terms of the person's probation, parole, bail or any other release in the demanding state shall immediately deliver the person to the duly authorized agent of the demanding state without the requirement of a Governor's warrant if all of the following apply: [RR 2023, c. 2, Pt. D, §35 (COR).]

1. Waiver. The person has signed a prior waiver of extradition as a term of the person's current probation, parole, bail or other release in the demanding state; and
[RR 2023, c. 2, Pt. D, §35 (COR).]

2. Authenticated copy. The law enforcement agency holding the person has received an authenticated copy of the prior waiver of extradition signed by the person and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.
[PL 1983, c. 843, §12 (NEW).]

SECTION HISTORY

PL 1979, c. 701, §10 (AMD). PL 1983, c. 843, §12 (AMD). RR 2023, c. 2, Pt. D, §35 (COR).

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