

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# A Bill

**ACT 841 OF 1995**  
**HOUSE BILL 1914**

4 **By: Representatives Roberts, Dawson, Beatty and Choate**

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## **For An Act To Be Entitled**

8 "AN ACT TO PROVIDE FOR ANY PERSON ARRESTED IN THIS STATE  
9 CHARGED WITH A CRIME IN ANOTHER STATE TO WAIVE THE  
10 ISSUANCE AND SERVICE OF A WARRANT UNDER THE UNIFORM  
11 CRIMINAL EXTRADITION ACT; AND FOR OTHER PURPOSES."

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## **Subtitle**

14 "TO WAIVE THE ISSUANCE AND SERVICE OF A  
15 WARRANT UNDER THE UNIFORM CRIMINAL  
16 EXTRADITION ACT."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. (a) Any person arrested in this State charged with having  
21 committed any crime in another state or alleged to have escaped from  
22 confinement, or broken the terms of his bail, probation or parole may waive  
23 the issuance and service of the warrant provided under the "Uniform Criminal  
24 Extradition Act", Arkansas Code Annotated §§ 16-94-201, et seq. and all other  
25 procedures incidental to extradition proceedings, by executing or subscribing  
26 in the presence of a judge of any court of record within this State a writing  
27 which states that he consents to return to the demanding state. Before such  
28 waiver shall be executed or subscribed by such person, it shall be the duty of  
29 such judge to inform such person of his rights to await the issuance and  
30 service of a warrant of extradition and to contest extradition following  
31 issuance of the warrant of the Governor as provided for in § 16-94-207.  
32 Following waiver of extradition, the person shall be placed in custody without  
33 bail to await delivery to the agent of the demanding state. The agent of the  
34 demanding state need not be present at the waiver.

35 (b) If and when such consent has been duly executed, it shall forthwith  
36 be forwarded to the office of the Governor of this State and filed therein.

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1 The judge shall direct the officer having such person in custody to deliver  
2 forthwith such person to the duly accredited agent or agents of the demanding  
3 state, and shall deliver or cause to be delivered to such agent or agents a  
4 copy of such consent. Nothing in this section shall be deemed to limit the  
5 rights of the accused person to return voluntarily and without formality to  
6 the demanding state, nor shall this waiver procedure be deemed to be an  
7 exclusive procedure or to limit the powers, rights or duties of the officers  
8 of the demanding state or of this State.

9 (c) Notwithstanding any other provision of law, a law enforcement  
10 agency in this State holding a person who is alleged to have broken the terms  
11 of his probation, parole, bail or any other release in the demanding state,  
12 shall immediately deliver the person to the duly authorized agent of the  
13 demanding state without the requirement of a Governor\_s warrant, if all of the  
14 following apply:

15 (1) Waiver. The person has signed a prior waiver of extradition  
16 as a term of his current probation, parole, bail or other release in the  
17 demanding state; and

18 (2) Authenticated copy. The law enforcement agency holding the  
19 person has received an authenticated copy of the prior waiver of extradition  
20 signed by the person and photographs or fingerprints or other evidence  
21 properly identifying the person as the person who signed the waiver.

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23 SECTION 2. All provisions of this act of a general and permanent nature  
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 3. If any provision of this act or the application thereof to  
28 any person or circumstance is held invalid, such invalidity shall not affect  
29 other provisions or applications of the act which can be given effect without  
30 the invalid provision or application, and to this end the provisions of this  
31 act are declared to be severable.

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33 SECTION 4. All laws and parts of laws in conflict with this act are  
34 hereby repealed.

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