

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

A Bill

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
29 of 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
33 without bail to await delivery to the agent of the demanding state. The
34 agent of the demanding state need not be present at the waiver.

35 (b) If and when such consent has been duly executed, it shall

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

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

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

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

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

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

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

