

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 411

Short Title: Amend Extradition Laws/AB.

(Public)

Sponsors: Representatives Pate; and McMahan.

Referred to: Judiciary II.

March 9, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE STATE'S EXTRADITION LAWS TO PROVIDE THAT
2 NO BOND SHALL BE ALLOWED ON A GOVERNOR'S WARRANT OF
3 ARREST, TO PROVIDE THAT A FUGITIVE MAY BE HELD FOR FORTY-
4 EIGHT HOURS ON A FACSIMILE OF A GOVERNOR'S WARRANT, AND TO
5 PROVIDE THAT THE STATE SHALL HONOR A PRESIGNED WAIVER OF
6 EXTRADITION PROCEEDINGS.
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 15A-727 reads as rewritten:

10 "**§ 15A-727. Issue of Governor's warrant of arrest; its recitals.**

11 (a) If the Governor decides that the demand should be complied with, he shall sign
12 a warrant of arrest, which shall be sealed with the State seal, and be directed to any peace
13 officer or other person whom he may think fit to entrust with the execution thereof. The
14 warrant must substantially recite the facts necessary to the validity of its issuance. No
15 bond shall be allowed on a warrant issued under this section.

16 (b) A warrant issued under this section may be electronically transmitted and a
17 person held on the electronic facsimile of the warrant for no more than 48 hours while the
18 original warrant is being delivered."

19 Sec. 2. G.S. 15A-746 reads as rewritten:

1 "§ 15A-746. ~~Written waiver of extradition proceedings.~~ Written waiver of extradition proceedings; presigned
2 waiver of extradition proceedings.

3 (a) Any person arrested in this State charged with having committed any crime in
4 another state or alleged to have escaped from confinement, or broken the terms of his
5 bail, probation or parole may waive the issuance and service of the warrant provided for
6 in G.S. 15A-727 and 15A-728 and all other procedure incidental to extradition
7 proceedings, by executing or subscribing in the presence of a judge of any court of record
8 within this State or a clerk of the superior court a writing which states that he consents to
9 return to the demanding state: Provided, however, that before such waiver shall be
10 executed or subscribed by such person it shall be the duty of such judge or clerk of
11 superior court to inform such person of his rights to the issuance and service of a warrant
12 of extradition and to obtain a writ of habeas corpus as provided for in G.S. 15A-730.

13 If and when such consent has been duly executed it shall forthwith be forwarded to
14 the office of the Governor of this State and filed therein. The judge or clerk of superior
15 court shall direct the officer having such person in custody to deliver forthwith such
16 person to the duly accredited agent or agents of the demanding state, and shall deliver or
17 cause to be delivered to such agent or agents a copy of such consent: Provided, however,
18 that nothing in this section shall be deemed to limit the rights of the accused person to
19 return voluntarily and without formality to the demanding state, nor shall this waiver
20 procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties
21 of the officers of the demanding state or of this State.

22 (b) If a person from this State or another state has signed a written waiver as a
23 condition of probation or parole that waives any right of the person to the issuance,
24 service, and other procedures with regard to extradition, the presigned waiver shall be
25 honored and the provisions of this Article shall not apply."

26 Sec. 3. This act is effective upon ratification.