



**House
Legislative
Analysis
Section**

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EXTRADITION WAIVERS

House Bill 6041

Sponsor: Rep. Randy Richardville

House Bill 6042

Sponsor: Rep. Cameron Brown

Committee: Criminal Justice

Complete to 5-24-02

A SUMMARY OF HOUSE BILLS 6041 AND 6042 AS INTRODUCED 5-9-02

House Bill 6041 would amend the Code of Criminal Procedure (MCL 760.1 et al.) to require an extradition waiver as a condition of bail. The bill would specify that, except as provided for persons charged with a crime for which bail could be denied, a court could require a person to sign a written waiver of extradition to the state. Further, if the individual failed to sign the waiver, the court could consider the failure when determining the amount of bail to be posted by the individual. The court would also have to require an individual charged with a crime for which bail could be denied under Section 15, Article I, of the State Constitution of 1963 to sign a written waiver of extradition to the state before releasing the individual on bail. (Article I, Section 15 specifies certain offenses for which a person cannot be granted bail, including murder and treason, and sets conditions on bail for certain other crimes.)

House Bill 6042. Currently, the Uniform Criminal Extradition Act (MCL 780.6 et al.) specifies that, if the governor decides that a demand for extradition must be complied with, he or she must sign a warrant of arrest, which must be directed to any peace officer fit to entrust with its execution. The bill would add that, if the person was released on bail, the court would have to immediately revoke bail and detain the person, subject only to *habeas corpus* review.

The act also specifies that, unless the offense with which the prisoner is charged is shown to be one punishable by death, or by life imprisonment, a judge or magistrate may admit the person arrested to bail by bond in a sum as deemed proper. The bill would specify, instead, that unless the offense is shown to be one punishable by death, life imprisonment, or by imprisonment for 20 years or more, or is for escaping from custody or confinement, the person arrested could be admitted to bail by bond in an amount that a judge or magistrate considered proper after reviewing the person's criminal history. The bill would also specify that, if a criminal prosecution had been instituted under state law against a person charged under this provision and under provisions relating to arrest without a warrant, the restrictions on the length of commitment specified in the bill would not be applicable during the period that the criminal prosecution was pending in the state.

Costs. House Bill 6042 would specify that a court could order an individual who had been extradited to the state for committing a crime, and who had been convicted of that crime, to pay the actual and reasonable costs of extradition, including, but not limited to, transportation costs, and the salaries or wages of law enforcement and prosecution personnel, including overtime pay, for processing the extradition and returning the individual to the state.

House Bills 6041 and 6042 (5-24-02)

Written Waiver of Extradition Proceedings. In addition to current provisions regarding written waiver of extradition proceedings, the bill would add that, if a waiver was executed, the judge would be required to remand the person to custody without bail. The order would have to direct the officer having the person in custody to deliver the person to the duly authorized agent of the demanding state, together with copies of the order and the waiver.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.