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Report
of the
Committee on Extradition
to the
**Twenty-Sixth Annual Meeting of the
National Conference of Commissioners
on Uniform State Laws**
to be held at
**The Congress Hotel, Chicago, Illinois
August 23-29, 1916**

**Second Tentative Draft of an Act to Make
Uniform the Law of Extradition**

REPORT
OF THE
COMMITTEE ON EXTRADITION.

*To the National Conference of Commissioners on Uniform State
Laws:*

The undersigned Standing Committee on Extradition beg leave to report favorably to the National Conference of Commissioners on Uniform State Laws, and, with the recommendation that the Conference do approve and refer the same to the legislatures of the respective states for adoption, the subjoined bill in legislative form for the return upon gubernatorial requisition of lunatics who may flee or have been removed from the state of their residence.

The bill thus submitted is the bill reported by the Special Committee of the Conference appointed under the resolution of October 14, 1914, to consider the question of providing by uniform state statute for the interstate extradition of fugitive lunatics, after the incorporation therein of the amendments approved at the annual session of the Conference held in Salt Lake City in 1915, and which bill as amended was re-committed.

Respectfully submitted,

GEO. WHITELOCK, *Chairman*,
EUGENE C. MASSIE,
W. O. HART,
WILLIAM A. MORGAN,
FRANK BERGEN,
EDWARD LEES,
W. V. TANNER.

June 15, 1916.

AN ACT

PROVIDING FOR THE EXTRADITION OF LUNATICS BETWEEN THIS STATE AND OTHER STATES, DISTRICTS, TERRITORIES AND POSSESSIONS OF THE UNITED STATES, AND TO MAKE UNIFORM IN THAT REGARD THE LAW OF THE STATES, DISTRICTS, TERRITORIES AND POSSESSIONS WHICH SHALL ADOPT THIS ACT.

Be it enacted, etc.:

SECTION 1. [Subjects of the Act.] A person alleged to be of unsound mind, found in this state, who has fled from another state in which he was at the time of his flight therefrom either:

(a) Under detention by law in a hospital, asylum or other institution for the insane as a person of unsound mind;

(b) Or theretofore determined by legal proceedings to be of unsound mind, the finding being unreversed and in full force and effect, and the control of whose person has been acquired by a court of competent jurisdiction of the state from which he fled;

(c) Or against whom at the time of his departure from such state, being then his legal domicile, legal proceedings were there pending to have him declared of unsound mind, and subject to detention as such, after personal service of due process:

shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed thereto; but no demand shall be honored in cases under paragraph (c) until after judicial determination of mental unsoundness.

SEC. 2. [Procedure.] Whenever the executive authority of any state demands of the executive authority of this state any fugitive mentioned in Section 1, and produces a copy of the commitment or an affidavit made before a magistrate of such state, showing the person to be such a fugitive, certified as authentic by the Governor or Chief Magistrate of the state whence the person so charged has fled, it shall be the duty of the executive authority of this state to cause him to be arrested and secured if found in this state, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive,

and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within sixty days from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, maintaining and transmitting such fugitive to the state making such demand, shall be paid by such state.

SEC. 3. [Definition of Terms.] The terms "flight" and "fled," as used in this act, shall be construed to mean any voluntary or involuntary departure from the jurisdiction of the court where such proceedings may have been instituted and are still pending with the effect of avoiding, impeding or delaying the action of the court in which such proceedings may have been instituted or be pending; or any such departure from the state where the person demanded then was, if he then was under detention by law as a person of unsound mind and subject to detention. The word "state" wherever used in this act shall include states, territories, districts and insular and other possessions of the United States.

SEC. 4. [Limitation.] Any proceeding under this act shall be begun within one year after the flight referred to in this act.

SEC. 5. [Name of Act.] This act may be cited as the Uniform Act for the Extradition of Lunatics, and shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

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