

Sec. 3 of S.87 as Passed by the Senate

Sec. 3. 13 V.S.A. § 4967 is amended to read:

§ 4967. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS

(a) Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of ~~his or her~~ bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 4947 and 4948 of this title and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this State a writing that states that ~~he or she~~ the person consents to return to the demanding state; provided, however, before ~~such~~ the waiver ~~shall be~~ is executed or subscribed by ~~such~~ the person ~~it shall be the duty of such,~~ the judge to shall inform ~~such~~ the person of ~~his or her~~ the ~~rights~~ right to the issuance and service of a warrant of extradition and the right to obtain a writ of habeas corpus as provided for in section 4950 of this title.

(b) If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state; and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this State.

(c) Notwithstanding any other provision of law, a law enforcement or corrections agency in this State holding a person who is alleged to have broken the terms of the person's probation,

parole, bail, or any other release in the demanding state shall immediately deliver that person to the duly authorized agent of the demanding state without the requirement of a Governor's warrant if all of the following apply:

(1) The person has signed a prior waiver of extradition as a term of the person's current probation, parole, bail, or other release in the demanding state.

(2) The law enforcement or corrections agency holding the person has received an authenticated copy of the prior waiver of extradition signed by the person and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver. These documents may be received by reliable electronic means.

(3) Except as the State's Attorney shall otherwise determine in the interest of justice, all open criminal charges in this State have been disposed of through trial and sentencing.

Sec. 3 of S.87 House Proposal of Amendment

Sec. 3. 13 V.S.A. § 4967 is amended to read:

§ 4967. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS

(a)(1) Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of ~~his or her~~ bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 4947 and 4948 of this title and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this State a writing that states that ~~he or she~~ the person consents to return to the demanding state; provided, however, before ~~such~~ the waiver ~~shall be~~ is executed or subscribed by ~~such~~ the person ~~it shall be the duty of such,~~ the judge to shall inform ~~such~~ the person of ~~his or her~~ the ~~rights~~ right to the issuance and service of a warrant of extradition and the right to obtain a writ of habeas corpus as provided for in section 4950 of this title.

(2) If the person previously signed an authenticated waiver of extradition to the demanding state, the waiver shall be presumed valid. If the person contests the validity of the previously signed waiver, the person bears the burden of proving that the waiver is not valid. If the court finds that the waiver is valid, it may proceed as if the person had consented to return to the demanding state in accordance with subdivision (1) of this subsection.

(b) If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of

such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this State.