
DIGEST

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HB 523 Original

2017 Regular Session

Schroder

Abstract: Provides for constructive surrender of a criminal defendant and calculation of reasonable extradition fees.

Present law provides that the appearance of a defendant means that the defendant appears personally in court.

Proposed law retains this provision of present law and adds that an appearance can also be made by the defendant's attorney where the court allows waiver of presence and the defendant's presence is waived.

Proposed law provides that proof of a defendant's incarceration in a foreign jurisdiction may be a letter, memorandum, or form developed by the Dept. of Public Safety and Corrections, the jail, the warden, or the sheriff. The written proof shall contain the defendant's name, identification number, and date of incarceration or arrest and shall be dated.

Proposed law provides that reasonable extradition fees may be charged for costs associated with the secure transport and delivery of the defendant. The amount of the fees charged for extradition shall be based upon a formula authorized by the sheriffs within the state and shall include reimbursement of expenses or an estimate provided by an approved commercial prisoner transport service.

Proposed law provides that when the surety or bail enforcement agent has paid extradition fees for the return of the defendant, the defendant shall be brought to the original jurisdiction of the defendant's arrest within 90 days after the date of the payment of the extradition fees unless the defendant remains in the custody of another jurisdiction. The failure to return the defendant within 90 days shall cause the fees to be returned to the surety or the bail agent.
(Amends C.Cr.P. Arts. 311(2) and (4) and 334; Adds C.Cr.P. Art. 313.2)