

RESOLUTION #36

PRE-SIGNED WAIVERS OF EXTRADITION

Resolution adopted by the N.A.E.O.
at its Twenty-Second Annual Conference
Denver, Colorado
May 1986

WHEREAS, it is the purpose of the National Association of Extradition Officials to encourage all states to adopt uniform policies and procedures so as to facilitate the extradition of fugitives from justice; and

WHEREAS, it is the purpose of the Uniform Criminal Extradition Act that it be construed liberally so as to effectuate its purpose of making uniform the laws of those states which have adopted it; and

WHEREAS, the Uniform Criminal Extradition Act authorizes the waiver of extradition by fugitives and provides that the waiver procedures specified in the Act are not to be deemed exclusive; and

WHEREAS, several states have adopted policies, procedures and/or legislation requiring that persons execute a pre-signed waiver of extradition as a condition of probation, parole, bail, or other release; and

WHEREAS, appellate judicial decisions which have considered the legality of pre-signed waivers of extradition have, almost unanimously, upheld the validity of such pre-signed waivers of extradition; and

WHEREAS, several states have enacted legislation specifically providing that such pre-signed waivers of extradition should be honored; and

WHEREAS, numerous states have adopted the Interstate Compact for the Supervision of Parolees and Probationers (hereinafter referred to as the "ICSPP") whereby a probationer or parolee in one state may be supervised in another party state; and

WHEREAS, the ICSPP provides that in order to participate in the Compact, a parolee or probationer must sign a waiver of extradition to the sending state and further provides that no formal extradition proceedings shall be necessary to return a probationer or parolee to the sending state under the Compact; and

WHEREAS, appellate judicial decisions which have considered pre-signed waivers of extradition under the ICSPP have almost unanimously upheld their validity; and

WHEREAS, notwithstanding the validity of pre-signed waivers of extradition, the courts in some states have refused or are reluctant to permit the extradition of individuals under the terms of such pre-signed waivers of extradition; and

WHEREAS, pre-signed waivers of extradition are valid and should be recognized by the courts of the asylum state;

NOW, THEREFORE, BE IT RESOLVED by the National Association of Extradition Officials at its Twenty-Second Annual Conference in Denver, Colorado, that the Association recommends that all states adopt appropriate procedures, policies and if necessary, legislation recognizing the validity of pre-signed waivers of extradition and requiring the courts and all other appropriate officials within the asylum state to recognize and enforce such pre-signed waivers of extradition.