

CALVIN H. HAYDEN  
SHERIFF



DARYL W. REECE  
UNDERSHERIFF

DUTY HONOR SERVICE

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## **Proponent Testimony to the Senate Committee on Judiciary for SB457 February 16, 2022**

Chair Patton, Vice Chair Ralph, Ranking Member Carmichael, and Members of the Committee:

The Johnson County Sheriff's Office requested **SB457 — Requiring a waiver of extradition proceedings as a condition of bond** and we offer the following supporting testimony.

The bill was heard in Senate Judiciary on February 16, 2022 and recommended favorably for passage. In addition to our testimony, the Kansas Sheriff's Association and the Kansas County and District Attorneys Association also provided supporting testimony. There were no opponents.

On February 23, 2022 it passed the Senate by a vote of 40-0.

This bill simply makes signing a waiver of extradition a condition of bond if a person is charged with a felony in Kansas. The pre-signing of the waiver will help expedite the extradition process should the defendant be arrested in another state for other charges. This will be helpful in the many cases we have with defendants who reside in Missouri or simply flee to Missouri but then refuse to return to Kansas for court. In 2021, Johnson County District Courts filed a total of 246 Fugitive Cases from Out of State fugitives refusing to waive extradition with 193 of the cases being from the State of Missouri.

The extradition process is long and expensive. It involves the agency that has charges against the fugitive, the local county or district attorney, the Kansas Attorney General's Office, the governor's office, the governor of the asylum state, the attorney general of the asylum state, the local prosecutor where the fugitive was apprehended (charges the fugitive was apprehended for are offenses alleged to have happened in the asylum state – NOT the charges pending in Kansas), the jurisdiction that has the Kansas fugitive in custody, and the court where the Kansas fugitive is being held.

This process can be found in the 2021 Kansas Extradition & Interstate Detainer Manual online at [https://www.ag.ks.gov/docs/default-source/documents/extradition-and-detainer/2021-kansas-extradition-detainer-manual.pdf?sfvrsn=a7fca91a\\_12](https://www.ag.ks.gov/docs/default-source/documents/extradition-and-detainer/2021-kansas-extradition-detainer-manual.pdf?sfvrsn=a7fca91a_12)

I have attached a flowchart that shows the process. (Attachment 1)

Once the waiver is executed the Governor's Warrant is no longer necessary and the accused cannot be released on bail in the absence of consent of the officials from both states. This is of critical importance because without a waiver of extradition on file a defendant may be eligible for bond on the fugitive warrant in the asylum state.

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The language was borrowed from Colorado who implemented this law in 2018. Colorado's waiver is submitted as part of our testimony. (Attachment 2)

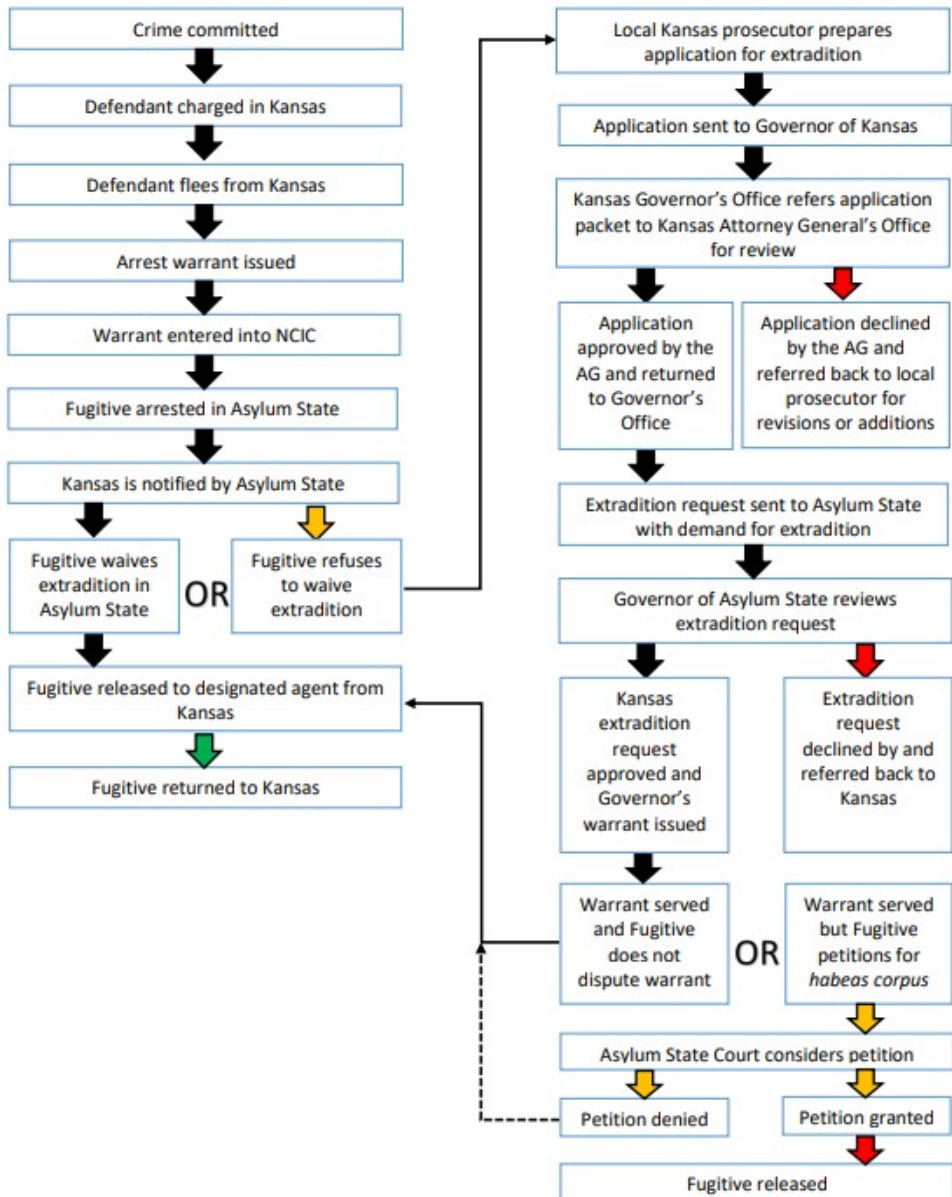
The idea for the bill was brought to us by the Johnson County Sheriff's Office Fugitive Apprehension Unit who indicated to me that this would be both a time and cost saving measure.

We would ask the committee to recommend the bill favorable for passage.

Greg Smith  
Special Deputy Sheriff for Government Affairs  
Johnson County Sheriff's Office  
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## EXTRADITION OVERVIEW CHART B

A BASIC OVERVIEW OF THE EXTRADITION PROCESS WHEN A FUGITIVE FROM KANSAS IS FOUND IN ANOTHER U.S. JURISDICTION



District Court _____ County, Colorado Court Address:		▲ COURT USE ONLY ▲
People in the Interest of:  Child, and concerning,  Parent/Guardian		
Attorney or Party Without Attorney (Name and Address):		Case Number:
Phone Number:	E-mail:	Division
FAX Number:	Atty. Reg. #:	Courtroom
<b>WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND PURSUANT TO 7<sup>TH</sup> JUDICIAL DISTRICT ADMINISTRATIVE ORDER 2013-01</b>		

I \_\_\_\_\_ (name of Defendant) have been arrested for a Felony offense on \_\_\_\_\_ (date) and as a condition of my bail bond consent to the following:

1. I understand that it is a violation of my bond to leave Colorado without the approval of the Court and the surety and that if I am arrested in another state, I can be returned to Colorado through the extradition process.
2. I will not resist or fight any effort by any state to return me to Colorado and waive all formal extraditions proceedings.
3. I understand I shall not be admitted to bail in any other state pending extradition to Colorado.
4. I agree to waive any right I may have to contest my extradition and I waive this right freely, voluntarily and intelligently.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Print Full Name

I certify the foregoing Waiver of Extradition as a Condition of Bail Bond was executed and subscribed before me.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title