

Joint Judiciary

87 ISO - 0242

HOUSE BILL 0005

HOUSE BILL 0005

HB0005

AN ACT to amend W.S. 7-3-222(a) as enacted by Chapter 147, Wyoming Session Laws, 1985; and to amend W.S. 7-3-223 relating to criminal procedure; specifying application procedures for extradition of parole violators under the Uniform Extradition Act; and providing for an effective date.

Introduced by: Joint Judiciary Interim Committee
Ellen Krawley, Chairman

DATE	ACTION	DATE	ACTION
JAN 13 1987	READ FIRST TIME	FEB 16 1987	READ THIRD TIME <i>Consent LTR</i>
	REFERRED TO COM. NO. <i>1</i>		AYES <i>30</i> NOES <i>0</i> PASSED <i>0</i> EXCUSED <i>0</i> ABSENT <i>0</i>
	DELIVERED TO COM. NO. <i>1</i>		SENT TO HOUSE
JAN 16 1987	RETURNED	FEB 16 1987	RECEIVED FROM SENATE
	<i>Recommen'ded Aye and Do Pass</i> <i>Gay</i>		SENT TO ISO FOR ENROLLING
JAN 19 1987	<i>Considered in Com. of Whole</i>		RECEIVED FROM ISO ENROLLED
	Standing Com. Amendment <i>WBS HSI/A</i>		HEA NO. <i>18</i>
	Adopted		SIGNED BY SPEAKER <i>2-17-87</i>
	Recommended do <i>pass</i>		SIGNED BY PRESIDENT <i>2-17-87</i>
JAN 20 1987	READ SECOND TIME		APPROVED BY GOVERNOR <i>2-19-87</i>
JAN 21 1987	READ THIRD TIME		CHAPTER NO. <i>30</i> SESSION LAWS OF WYOMING
	PASSED		
	<i>Ayes 14 Noes 0 Excused 0 Absent 0</i>		
	Sent to Senate		
	ENGROSSED		
1-22-87	<i>Sent to Senate</i>		
	Received from House		
JAN 22 1987	Read first time		
	Referred to Com. No. <i>1</i>		
	Delivered to Com. No. <i>1</i>		
FEB 12 1987	STANDING COMM. REPORT		
	RECOMMENDED DO PASS		
FEB 13 1987	CONSIDERED ON COM. OF WHOLE		
	DO PASS		
FEB 14 1987	READ SECOND TIME		

DO PASS

CONTINUED ON BACK

Consent List

HB 5 3rd Date 2/16/89

SENATE ROLL CALL FORTY-NINTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BURNETT			✓	
CUNDALL			✓	
DIXON			✓	
DUSL			✓	
EDDINS			✓	
FANOS			✓	
FRISBY			✓	
GRIEVE			✓	
HEALY			✓	
HERBST			✓	
HICKEY			✓	
HINKLEY Whaley			✓	
KINNEY			✓	
LARSON			✓	
MADER			✓	
NORRIS			✓	
PERRY			✓	
PREVEDEL			✓	
REESE			✓	
SCHMIDT			✓	
SCOTT			✓	
STROOCK			✓	
SULLIVAN			✓	
TRUE			✓	
TURNER				
TWIFORD			✓	
VINICH			✓	
WIEDERSPAHN			✓	
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT	AYES	30
	NOES	0
	EXCUSED	0
	ABSENT	0
	TOTAL	30

CL Phred Reading Date 1/21/87

91B 0-

HOUSE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE	✓			
BEBOUT	✓				O'TOOLE	✓			
BEHRENS	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS, D.	✓			
BLACKWELL	✓				PERKINS, J.	✓			
BUDD	✓				PLANT	✓			
BURTON	✓				RANKINE	✓			
BYRD	✓				RATLIFF	✓			
CAMERON	✓				ROBERTSON	✓			
CHAMBERLAIN	✓				ROHRBACH	✓			
CROSS	✓				RYCKMAN	✓			
CROWLEY	✓				SCHWOPE	✓			
CUBIN	✓				SHREVE	✓			
DICKEY	✓				SIMONS	✓			
ENZI	✓				STAUFFER	✓			
FREUDENTHAL	✓				TATE	✓			
GERINGER	✓				TEMPEST	✓			
GRANT	✓				THOMAS	✓			
GUICE	✓				TIBBS	✓			
HAGEMAN	✓				TIPPETS	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓			
HINES	✓				WALLIS	✓			
HONAKER	✓				WEAVER	✓			
HOWARD	✓				WILLFORD	✓			
HUMPHREY	✓				WOLFLEY	✓			
JENSEN	✓				ZIMMERMAN	✓			
LUMMIS	✓				ZUMBRUNNEN	✓			
MACMILLAN	✓				MR. SPEAKER	✓			
MALDONADO	✓				PRESENT				
MARTON	✓								
MCILVAIN	✓								
MURPHY	✓								
MICHEL	✓								
MILLER	✓								
MURPHY	✓								

AYES 64
 NOES _____
 EXCUSED _____
 ABSENT _____
 TOTAL 64
 LESS _____

90135, *Concord List* Date *1/21/87*

32, 47, 59, 72

HOUSE ROLL CALL

Proceedural FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE	✓			
BEBOUT	✓				O'TOOLE	✓			
BEHRENS	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS, D.	✓			
BLACKWELL	✓				PERKINS, J.	✓			
BUDD	✓				PLANT	✓			
BURTON	✓				RANKINE	✓			
BYRD	✓				RATLIFF	✓			
CAMERON	✓				ROBERTSON	✓			
CHAMBERLAIN	✓				ROHRBACH	✓			
CROSS	✓				RYCKMAN	✓			
CROWLEY	✓				SCHWOPE	✓			
CUBIN	✓				SHREVE	✓			
DICKEY	✓				SIMONS	✓			
ENZI	✓				STAUFFER	✓			
FREUDENTHAL	✓				TATE	✓			
GERINGER	✓				TEMPEST	✓			
GRANT	✓				THOMAS	✓			
GUICE	✓				TIBBS	✓			
HAGEMAN	✓				TIPPETS	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓			
HINES	✓				WALLIS	✓			
HONAKER	✓				WEAVER	✓			
HOWARD	✓				WILLFORD	✓			
HUMPHREY	✓				WOLFLEY	✓			
JENSEN	✓				ZIMMERMAN	✓			
LUMMIS	✓				ZUMBRUNNEN	✓			
MACMILLAN	✓				MR. SPEAKER	✓			
MALDONADO	✓				PRESENT <i>1</i>	AYES <i>64</i>			
MARTON	✓					NOES			
MCILVAIN	✓					EXCUSED			
MEEHAN						ABSENT			
MICHEL	✓					TOTAL <i>64</i>			
MILLER	✓					LESS			
MURPHY	✓								

House of Intro	Second House
To Com. No. _____	To Com No. _____
Stand Report Do ___ Amd ___ Not ___	Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___	Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___	2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___	3rd Reading Amd ___ Pass ___ Fail ___

INTRODUCED

1987

STATE OF WYOMING

87LSO-0242.01

HOUSE BILL NO. 0005

Extradition of parole violators.

Sponsored by: JOINT JUDICIARY INTERIM COMMITTEE

A BILL

for

1 AN ACT to amend W.S. 7-3-222(a) as enacted by Chapter 147,
 2 Wyoming Session Laws, 1985; and to amend W.S. 7-3-223
 3 relating to criminal procedure; specifying application
 4 procedures for extradition of parole violators under the
 5 Uniform Extradition Act; and providing for an effective
 6 date.

7 Be It Enacted by the Legislature of the State of Wyoming:

8 Section 1. W.S. 7-3-222(a) as enacted by Chapter
 9 147, Wyoming Session Laws, 1985 are amended to read:

10 7-3-222. Return of accused to this state; governor

- 1 -

NO SIGNIFICANT FISCAL IMPACT

HB 5

1 to issue warrant.

2 (a) Upon receipt of an application as provided by
3 W.S. 7-3-223, the governor of this state may demand a per-
4 son charged with crime in this state, OR WITH VIOLATION OF
5 PAROLE, from the chief executive of any other state, or
6 from the chief justice or an associate justice of the
7 supreme court of the District of Columbia authorized to
8 receive such demand under the laws of the United States.

9 Section 2. W.S. 7-3-223 is amended to read:

10 7-3-223. Return of accused to this state; written
11 application to be presented to governor; contents.

12 (a) When the return to this state of a person
13 charged with crime in this state is required, the district
14 attorney for the county in which the offense is committed
15 shall present to the governor ~~his~~ A written application
16 for a requisition for the return of the person charged. 7
17 ~~in-which~~ THE application shall ~~be-stated~~ STATE:

18 (i) The name of the person so charged;7

19 (ii) The crime charged against him; 7-and

20 (iii) The approximate time, place and circum-
21 stances of ~~its-committal~~; THE COMMISSION OF THE CRIME; AND

1 (iv) The state ~~in-which-he~~ AND ADDRESS WHERE
2 THE ACCUSED is believed to be, ~~including-the-location-of~~
3 ~~the-accused-therein~~ at the time the application is made. ~~7~~
4 ~~and-certifying-that-in-the-opinion-of~~

5 (b) AS PART OF THE APPLICATION UNDER SUBSECTION (a)
6 OF THIS SECTION the district attorney ~~the-ends-of~~ SHALL
7 CERTIFY THAT IN HIS OPINION justice ~~require~~ REQUIRES the
8 arrest and return of the accused to this state for trial,
9 and that the proceeding is not instituted to enforce a
10 private claim.

11 (c) The application UNDER SUBSECTION (a) OF THIS
12 SECTION shall be verified by affidavit, AND shall be exe-
13 cuted in duplicate. ~~and~~ IT shall be accompanied by two (2)
14 certified copies of the indictment returned, or informa-
15 tion ~~and--affidavit~~ filed, or of the complaint AND
16 AFFIDAVIT made to the magistrate, stating the offense with
17 which the accused is charged. The district attorney may
18 also attach ~~such~~ further affidavits and other documents in
19 duplicate as he ~~shall-deem~~ DEEMS proper to be submitted
20 with ~~such~~ THE application. One (1) copy of the applica-
21 tion with the action of the governor indicated by endorse-
22 ment thereon, and one (1) of the certified copies of the
23 indictment, ~~or--complaint-or~~ information OR COMPLAINT and

1 affidavit, shall be filed in the office of the secretary
2 of state to remain of record in that office. The other
3 copies of all papers shall be forwarded with the gover-
4 nor's requisition.

5 (d) WHEN THE RETURN TO THIS STATE OF A PERSON
6 CHARGED WITH VIOLATING THE CONDITIONS HIS PAROLE IS
7 REQUIRED, THE CHAIRMAN OF THE BOARD OF PAROLE SHALL PRES-
8 ENT TO THE GOVERNOR A WRITTEN APPLICATION FOR A REQUISI-
9 TION FOR THE RETURN OF THE PERSON CHARGED WITH PAROLE
10 VIOLATION. THE APPLICATION SHALL STATE:

11 (i) THE NAME OF THE PAROLEE;

12 (ii) THE PAROLE VIOLATION CHARGED AGAINST HIM;

13 (iii) THE APPROXIMATE TIME, PLACE AND CIRCUM-
14 STANCES OF THE COMMISSION OF THE VIOLATION; AND

15 (iv) THE STATE AND ADDRESS WHERE THE PAROLEE
16 IS BELIEVED TO BE AT THE TIME THE APPLICATION IS MADE.

17 (e) AS PART OF THE APPLICATION UNDER SUBSECTION (d)
18 OF THIS SECTION THE CHAIRMAN OF THE BOARD OF PAROLE SHALL
19 CERTIFY THAT IN HIS OPINION JUSTICE REQUIRES THE ARREST
20 AND RETURN OF THE PAROLEE TO THIS STATE FOR HEARING BEFORE
21 THE BOARD OF PAROLE AND THAT THE PROCEEDING IS NOT INSTI-

1 TUTED TO ENFORCE A PRIVATE CLAIM.

2 (f) THE APPLICATION UNDER SUBSECTION (d) OF THIS
3 SECTION SHALL BE VERIFIED BY AFFIDAVIT, SHALL BE EXECUTED
4 IN DUPLICATE AND SHALL BE ACCOMPANIED BY TWO (2) CERTIFIED
5 COPIES OF THE JUDGMENT AND SENTENCE, PAROLE GRANT, PAROLE
6 AGREEMENT, RECOMMENDATION FOR REVOCATION OF PAROLE AND
7 ORDER OF ARREST ISSUED BY THE BOARD OF PAROLE. THE CHAIR-
8 MAN OF THE BOARD OF PAROLE MAY ALSO ATTACH FURTHER AFFIDA-
9 VITS AND OTHER DOCUMENTS IN DUPLICATE AS HE DEEMS PROPER
10 TO BE SUBMITTED WITH THE APPLICATION. ONE (1) COPY OF THE
11 APPLICATION WITH THE ACTION OF THE GOVERNOR INDICATED BY
12 ENDORSEMENT THEREON, AND ONE (1) COPY OF THE CERTIFIED
13 COPIES REQUIRED BY THIS SUBSECTION, SHALL BE FILED IN THE
14 OFFICE OF THE SECRETARY OF STATE TO REMAIN OF RECORD IN
15 THAT OFFICE. THE OTHER COPIES OF ALL PAPERS SHALL BE FOR-
16 WARDED WITH THE GOVERNOR'S REQUISITION.

17 Section 3. This act is effective May 22, 1987.

18 (END)

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

ENGROSSED

1987

STATE OF WYOMING

87LS0-0242/eng

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1 (iv) The state ~~in--which--he~~ AND ADDRESS OR
2 LOCATION WHERE THE ACCUSED is believed to be, ~~including~~
3 ~~the-location-of-the-accused-therein~~ at the time the appli-
4 cation is made, ~~and-certifying-that-in-the-opinion-of~~.

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21 tion with the action of the governor indicated by HIS
22 endorsement, ~~thereon~~, and one (1) of the certified copies
23 of the indictment, ~~or--complaint--or~~ information OR

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2 the secretary of state to remain of record in that office.
3 The other copies COPY of all papers shall be forwarded
4 with the governor's requisition.

5 (d) WHEN THE RETURN TO THIS STATE OF A PERSON
6 CHARGED WITH VIOLATING THE CONDITIONS OF HIS PAROLE IS
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12 HIS ENDORSEMENT, AND ONE (1) OF THE CERTIFIED COPIES
13 REQUIRED BY THIS SUBSECTION, SHALL BE FILED IN THE OFFICE
14 OF THE SECRETARY OF STATE TO REMAIN OF RECORD IN THAT
15 OFFICE. THE OTHER COPY OF ALL PAPERS SHALL BE FORWARDED
16 WITH THE GOVERNOR'S REQUISITION.

17 Section 3. This act is effective May 22, 1987.

18 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, January 15, 1987

HB0005 HSI/
Mr. Speaker:

Your Committee No. 1 on JUDICIARY

to whom was referred H.B. No. 0005

respectfully reports same back to the House with the recommendation that HB0005

DO PASS with the following amendments:

Page 3 - line 1	After "ADDRESS" insert "OR LOCATION".
Page 3 - line 21	After "by" insert "HIS".
Page 3 - line 22	After "ment" insert ","; strike "thereon".
Page 4 - line 3	Strike "copies" insert "COPY".
Page 4 - line 6	After "CONDITIONS" insert "OF".
Page 5 - line 11	After "BY" insert "HIS".
Page 5 - line 12	Delete "THEREON"; delete "COPY".
Page 5 - line 15	Delete "COPIES" insert "COPY".

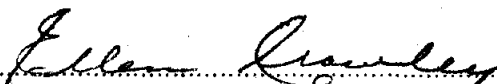
AYES

Rep.

~~Hansen~~
Harrison
Odde
Robertson
Rohrbach
Ryckman
Tate
Tipton
Crowley

NOES

0



ELLEN CROWLEY

Chairman

DW

- 1 HB0005HS1/A
- 2 ✓ Page 3-line 1 After "ADDRESS" insert "OR LOCATION".
- 3 ✓ Page 3-line 21 After "by" insert "HIS".
- 4 ✓ Page 3-line 22 After "ment" insert "_"; strike "thereon".
- 5 ✓ Page 4-line 3 Strike "copies" insert "COPY".
- 6 ✓ Page 4-line 6 After "CONDITIONS" insert "OF".
- 7 ✓ Page 5-line 11 After "BY" insert "HIS".
- 8 ✓ Page 5-line 12 Delete "THEREON"; delete "COPY".
- 9 ✓ Page 5-line 15 Delete "COPIES" insert "COPY". CROWLEY,
- 10 CHAIRMAN Adopted

SW