



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0045

Introduced 1/26/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

725 ILCS 225/5

from Ch. 60, par. 22

Amends the Uniform Criminal Extradition Act. Provides that a person incarcerated in any federal facility may be released to the custody of the duly accredited officers or designees of those officers of a foreign state if: (1) the person has violated the terms of his or her probation, post-release supervision, parole, or has an unexpired sentence in the foreign state; (2) the foreign state has personal jurisdiction over that person; and (3) the foreign state has issued a valid warrant for the apprehension of that person or has issued a commitment order to serve a sentence in a state or local correctional facility. Provides that all legal requirements to obtain extradition of fugitives from justice are expressly waived by the State of Illinois as to those persons. Effective October 1, 2005.

LRB094 04982 RLC 35013 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Criminal Extradition Act is amended
5 by changing Section 5 as follows:

6 (725 ILCS 225/5) (from Ch. 60, par. 22)

7 Sec. 5. Extradition of persons imprisoned or awaiting trial
8 in another state or who have left the demanding state under
9 compulsion.

10 When it is desired to have returned to this State a person
11 charged in this State with a crime, and such person is
12 imprisoned or is held under criminal proceedings then pending
13 against him in another state, the Governor of this State may
14 agree with the Executive Authority of such other state for the
15 extradition of such person before the conclusion of such
16 proceedings or his term of sentence in such other state, upon
17 condition that such person be returned to such other state at
18 the expense of this State as soon as the prosecution in this
19 State is terminated.

20 The Governor of this State may also surrender on demand of
21 the Executive Authority of any other state any person in this
22 State who is charged in the manner provided in Section 23 of
23 this Act with having violated the laws of the state whose
24 Executive Authority is making the demand, even though such
25 person left the demanding state involuntarily.

26 Notwithstanding any other provision of this Act, any person
27 incarcerated in any federal facility may be released to the
28 custody of the duly accredited officers or designees of those
29 officers of a foreign state if:

30 (1) the person has violated the terms of his or her
31 probation, post-release supervision, or parole or has an
32 unexpired sentence in the foreign state;

1 (2) the foreign state has personal jurisdiction over
2 that person; and

3 (3) the foreign state has issued a valid warrant for
4 the apprehension of that person or has issued a commitment
5 order to serve a sentence in a state or local correctional
6 facility. For that purpose no formalities shall be required
7 other than establishing the authority of the officer and
8 the identity of the person to be apprehended. All legal
9 requirements to obtain extradition of fugitives from
10 justice are expressly waived by the State of Illinois as to
11 those persons.

12 (Source: Laws 1955, p. 1982.)

13 Section 99. Effective date. This Act takes effect October
14 1, 2005.