

A Bill for an Act Relating to Extradition.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 832-25, Hawaii Revised Statutes, is amended to read as follows:

“§832-25 Written waiver of extradition proceedings. (a) Any person arrested in this State charged with having committed any crime in any state or alleged to have escaped from confinement, or broken the terms of the person's bail, probation, or parole may waive the issuance and service of the warrant provided for in sections 832-7 and 832-8, and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this State a writing which states that the person consents to return to the demanding state; provided that before the waiver is executed or subscribed by the person the judge shall inform the person of the person's rights to the issuance and service of warrant of extradition and to obtain a writ of habeas corpus as provided for in section 832-10.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this State and filed therein. The judge shall direct the officer having the person in custody to deliver forthwith the person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this State.

(b) Notwithstanding subsection (a), a law enforcement agency holding a person who is alleged to have broken the terms of his probation, parole, bail, or any other release shall immediately deliver the person to the duly authorized agent of the demanding state without the requirement of a governor's warrant if all of the following apply:

- (1) The person has signed a prior waiver of extradition as a term of the person's current probation, parole, bail, or other release in the demanding state; and
- (2) The law enforcement agency holding the person has received both of the following:
 - (A) An authenticated copy of the prior waiver of extradition signed by the person; and
 - (B) A photograph and fingerprints properly identifying the person as the person who signed the waiver.”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 27, 1992.)