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Proponent Testimony to the House Committee on Corrections and Juvenile Justice for HB2634

February 14, 2022

Chairman Owens, Vice Chair Smith, Ranking Member Highberger, and Members of the Committee:

The Johnson County Sheriff's Office requested **HB2634 — Requiring a waiver of extradition proceedings as a condition of bond** and we offer the following supporting testimony.

Extradition is a bureaucratic procedure and as such entails the expenditure of time, resources, and money. The procedure for extradition back to Kansas so a fugitive can appear in court to answer his or her charges is one of many details and steps. I have attached a flow chart of the procedure to my testimony. You can find the entire procedure, all 97 pages of it, at this web address - https://www.ag.ks.gov/docs/default-source/documents/extradition-and-detainer/2021-kansas-extradition-detainer-manual.pdf?sfvrsn=a7fca91a_12

The demanding state, the one asking for their fugitive to be returned, has 90 days to complete the process. If they don't the fugitive is released and the fugitive case in the asylum state is dismissed.

The flow chart leaves out a step that frequently occurs – the fugitive is given bond on the fugitive charge by the asylum state. The asylum state is the state the Kansas fugitive fled to. A judge in that state may issue a bond. If the fugitive defendant can make bond, he or she is free to go. The theory behind this is that they will return to Kansas to take care of the charge they have. That seldom happens.

The extradition process 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.

There are hearings along the way, sometimes multiple hearings, before the issue of extradition is resolved.

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.

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This bill, if enacted into law would require that a person in Kansas charged with a felony sign, as a condition of bond, a waiver of extradition. With the waiver on file, once our agency is notified of a fugitive in an asylum state, the extradition process begins immediately. The need for the process of obtaining a governor's warrant is eliminated and the fugitive can be collected and brought back to Kansas to answer his or her charges.

We anticipate there would be a cost savings and there would certainly be a savings of manhours.

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

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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

