

Exhibit G

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82

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Search

Justia · US Law · US Codes and Statutes · Montana Code Annotated · 2011 Montana Code Annotated · TITLE 46. CRIMINAL PROCEDURE · CHAPTER 30. UNIFORM CRIMINAL EXTRADITION ACT · Part 4. Extradition to This State From Another State

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2011 Montana Code Annotated

TITLE 46. CRIMINAL PROCEDURE

CHAPTER 30. UNIFORM CRIMINAL EXTRADITION ACT

Part 4. Extradition to This State From Another State

- 46-30-401. Application for issuance of requisition.
- 46-30-402. Requisition by governor.
- 46-30-403. Extradition of persons held in another state.
- 46-30-404. Immunity from service of civil process.
- 46-30-405. No immunity from other criminal prosecutions.
- 46-30-406. through reserved.
- 46-30-411. Expenses of bringing fugitives back to this state.
- 46-30-412. Restrictions on compensation for assisting return of fugitive.

- 46-30-413. Penalty for illegal compensation.

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TITLE 46. CRIMINAL PROCEDURE · CHAPTER 30. UNIFORM CRIMINAL EXTRADITION ACT ·
Part 4. Extradition to This State From Another State · 46-30-401. Application for issuance of requisition.

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2011 Montana Code Annotated

TITLE 46. CRIMINAL PROCEDURE

CHAPTER 30. UNIFORM CRIMINAL EXTRADITION ACT

Part 4. Extradition to This State From Another State

46-30-401. Application for issuance of requisition.

Universal Citation: MT Code § 46-30-401 (1993 through 62d Legis Reg Sess)

46-30-401. Application for issuance of requisition. (1) When the return to this state of a person charged with a crime in this state is required, the prosecuting attorney shall present to the governor a

written application for a requisition for the return of the person charged. The application must state the name of the person charged, the crime charged against the person, the approximate time, place, and circumstances of its commission, and the state in which the person is believed to be, including the location of the accused in that state at the time the application is made. The application must certify that in the opinion of the prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not being instituted to enforce a private claim.

(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the board of pardons and parole, or the warden of the institution or sheriff of the county from which the escape was made shall present to the governor a written application for a requisition for the return of the person. The application must state the name of the person, the crime of which the person was convicted, the circumstances of the person's escape from confinement or of the breach of the terms of bail, probation, or parole, and the state in which the person is believed to be, including the location of the person in that state at the time the application is made.

(3) The application must be verified by affidavit, executed in duplicate, and accompanied by two certified copies of the:

- (a) indictment returned;
- (b) information and affidavit filed;
- (c) complaint made to the judge or magistrate stating the offense with which the accused is charged;
- (d) judgment of conviction; or
- (e) sentence.

(4) The prosecuting officer, board of pardons and parole, warden, or sheriff may also attach further affidavits and other documents in duplicate that are considered proper to be submitted with the application.

(5) One copy of the application, with the action of the governor indicated by endorsement on the application, and one of the certified copies of the indictment, complaint, information and affidavits, judgment of conviction, or sentence must be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers must be forwarded with the governor's requisition.

History: En. 95-3123 by Sec. 14, Ch. 513, L. 1973; amd. Sec. 56, Ch. 184, L. 1977; R.C.M. 1947, 95-3123; amd. Sec. 172, Ch. 575, L. 1981; amd. Sec. 204, Ch. 42, L. 1997.

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Search

Justia › US Law › US Codes and Statutes › Montana Code Annotated › 2011 Montana Code Annotated › TITLE 46. CRIMINAL PROCEDURE › CHAPTER 30. UNIFORM CRIMINAL EXTRADITION ACT › Part 4. Extradition to This State From Another State › 46-30-402. Requisition by governor.

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2011 Montana Code Annotated

TITLE 46. CRIMINAL PROCEDURE

CHAPTER 30. UNIFORM CRIMINAL

EXTRADITION ACT

Part 4. Extradition to This State From Another State

46-30-402. Requisition by governor.

Universal Citation: MT Code § 46-30-402 (1993 through 62d Legis Reg Sess)

46-30-402. Requisition by governor. Whenever the governor of this state demands a person charged with crime or with escaping from confinement or breaking the terms of the person's bail, probation, or parole in this state from the chief executive of any other state or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive a demand under the laws of

the United States, the governor shall issue a warrant under the seal of this state to some agent commanding the agent to receive the person charged if delivered to the agent and convey the person to the proper officer of the county in this state in which the offense was committed.

History: En. 95-3122 by Sec. 14, Ch. 513, L. 1973; R.C.M. 1947, 95-3122; amd. Sec. 1789, Ch. 56, L. 2009.

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TITLE 46. CRIMINAL PROCEDURE CHAPTER 30. UNIFORM CRIMINAL EXTRADITION ACT
Part 4. Extradition to This State From Another State 46-30-403. Extradition of persons held in another state.

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2011 Montana Code Annotated

TITLE 46. CRIMINAL PROCEDURE

CHAPTER 30. UNIFORM CRIMINAL

EXTRADITION ACT

Part 4. Extradition to This State From Another State

46-30-403. Extradition of persons held in another state.

Universal Citation: MT Code § 46-30-403 (1993 through 62d Legis Reg Sess)

46-30-403. Extradition of persons held in another state. When it is desired to have returned to this state a person charged in this state with a crime and the person is imprisoned or is held under criminal

proceedings then pending against the person in another state, the governor of this state may agree with the executive authority of the other state for the extradition of the person before the conclusion of the proceedings or the person's term of sentence in the other state, upon condition that the person be returned to the other state at the expense of this state as soon as the prosecution in this state is terminated.

History: En. 95-3105 by Sec. 14, Ch. 513, L. 1973; R.C.M. 1947, 95-3105(part); amd. Sec. 1790, Ch. 56, L. 2009.

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