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HOUSE BILL NO. 1684

Offered January 9, 2019

Prefiled December 6, 2018

A *BILL to amend and reenact § 19.2-114 of the Code of Virginia, relating to waiver of extradition proceedings; bail.*

Patron—Miyares

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-114 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-114. Written waiver of extradition proceedings.**

Any person arrested in this Commonwealth charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in §§ 19.2-92 and 19.2-93 and all other procedures incidental to extradition proceedings by executing or subscribing in the presence of a judge of a circuit or district court within this Commonwealth a writing which states that he consents to return to the demanding state. However, before the waiver is executed or subscribed by the person, it shall be the duty of the judge to inform the person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in § 19.2-95.

If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the Governor and filed therein. The judge shall (i) *revoke any bail set pursuant to § 19.2-102 and remand the person to custody to await transfer to the demanding state*, (ii) direct the officer having the person in custody to promptly deliver him to the duly accredited agent of the demanding state, and ~~shall~~ (iii) deliver or cause to be delivered to such agent a copy of the consent.

This section shall not 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 executive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this Commonwealth.

INTRODUCED

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