§203. Form of demand

1. Persons accused of a crime. No demand for the extradition of a person accused, but not yet convicted, of a crime in another state shall be recognized by the Governor of this State unless made in writing and containing the following:

A. An allegation that the accused is a fugitive from justice, as defined in section 201, subsection 4, paragraph A. The allegation is sufficient if it alleges that the accused was present in the demanding state at the time of the commission of the alleged crime and that the accused thereafter left the demanding state; or that the accused committed an act in this State or in a 3rd state, or elsewhere, resulting in or constituting a crime in the demanding state; and [RR 2023, c. 2, Pt. D, §10 (COR).]

B. A copy of an indictment returned; or an information issued upon a waiver of indictment; or an information or other formal charging instrument issued upon a determination of probable cause by a judicial officer in the demanding state or accompanied by an arrest warrant issued upon a determination of probable cause by a judicial officer in the demanding state; or any other formal charging instrument, together with any affidavits in support thereof, or in support of an arrest warrant, which support a finding of probable cause; or an affidavit which supports a finding of probable cause. The indictment, information, other formal charging instrument or affidavit shall substantially charge the person demanded with having committed a crime under the law of that state, and the copy shall be authenticated by the executive authority making the demand. [PL 1979, c. 274, §1-B (AMD).]

[RR 2023, c. 2, Pt. D, §10 (COR).]

2. Person convicted of a crime. No demand for the extradition of a person convicted of a crime in another state shall be recognized by the Governor of this State unless made in writing and containing the following:

A. A statement by the executive authority of the demanding state that the person demanded is a fugitive from justice, as defined in section 201, subsection 4, paragraph B; and [PL 1981, c. 317, §2 (AMD).]

B. A copy of the judgment of conviction or of the sentence imposed in execution thereof, which has been authenticated by the executive authority making the demand. [PL 1977, c. 671, §5 (NEW).]

[PL 1981, c. 317, §2 (AMD).]

3. Defects in written demand. Defects in the written demand of the executive authority of another state or in any accompanying document or in the application for requisition may be remedied at any time, including at the hearing allowed by section 210, by new or amended documents or by other evidence.

[PL 1977, c. 671, §5 (NEW).]

4. Showing of substantial prejudice. Notwithstanding any other provision of law, defects in the written demand of the executive authority of another state or in any accompanying document or in the application for requisition may not be raised as a defense to extradition, in a petition contesting extradition pursuant to sections 210 and 210-A, unless it is shown by the petitioner that any such defect is substantially prejudicial to the petitioner.

[RR 2023, c. 2, Pt. D, §11 (COR).]

5. Exception; legally protected health care activity. Notwithstanding any provision of state law to the contrary and except as required by federal law, the Governor may not surrender a person charged in another state as a result of the person's engaging in legally protected health care activity or aiding and assisting legally protected health care activity unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the

commission of the alleged offense and that thereafter the accused fled from the demanding state. For purposes of this subsection, "aiding and assisting legally protected health care activity" and "legally protected health care activity" have the same meanings as in Title 14, section 9002, subsections 1 and 8, respectively.
[PL 2023, c. 648, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 671, §5 (RPR). PL 1979, c. 274, §§1-B (AMD). PL 1981, c. 317, §2 (AMD). PL 1983, c. 843, §1 (AMD). PL 2023, c. 648, Pt. C, §1 (AMD). RR 2023, c. 2, Pt. D, §§10, 11 (COR).

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