# NORTH DAKOTA EXTRADITION MANUAL

Wayne Stenehjem ATTORNEY GENERAL

FEBRUARY 2011

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### **ORIGINAL CRIMINAL OFFENSE**

#### Required Documentation

Submit 4 executed original sets consisting of the following documents:

- 1. Application For Extradition.
- 2. All Affidavits (including No. 4 if applicable).
- 3. Certified copies of Information, Indictment, or Complaint and Warrant of Arrest.
- 4. Probable Cause and Identification Affidavits.
- 5. Copies of all applicable North Dakota statutes pertaining to the crime and punishment (including N.D.C.C. § 12.1-23-05 if theft charged).

#### APPLICATION FOR EXTRADITION

#### TO THE GOVERNOR OF THE STATE OF NORTH DAKOTA:

| I have the honor to request that you issue a requisition upon the C              | Jovernor of the    |
|--|--------------------|
| State of for extradition of  |                    |
| who stands charged by(Complaint, Information, or Indictment)                     |                    |
| with the crime of  | _, committed in    |
| the County of in the State of North Dakota, on the                               | e day of           |
| , 20, and who, to avoid prosecution, fled from                                   | n the jurisdiction |
| of the State of North Dakota and is now a fugitive from justice, and, as I am    | n now informed,    |
| is within the jurisdiction of the State of                                       | , at               |
| ·  |                    |
| I hereby certify that in my opinion the ends of public justice require t         | that the criminal  |
| and fugitive be brought back to the State of North Dakota for trial at pul       | blic expense. I    |
| have carefully examined the facts and believe that I have sufficient evidence    | ce to secure the   |
| conviction of said fugitive and that the offense charged and the punishm         | ent therefore is   |
| defined in section(s)  | _ of the North     |
| Dakota Century Code. I further certify that this application is made in goo      | d faith, with the  |
| sole purpose of prosecuting the accused fugitive for the crime so charge         | ged, and not to    |
| secure his return to this state to afford opportunity for service of civil proce | ss upon him, or    |
| for any other purpose than said prosecution.                                     |                    |
| I nominateas a proper  | r person to be     |
| appointed agent of the State and certify that he has no personal interest in     |                    |
| return of the fugitive other than a proper performance of his official duty      |                    |

| Dated this _           | day of                                | , 20  |
|------------------------|---------------------------------------|---|
|                        |                                       | State's AttorneyCounty, North Dakota                |
| STATE OF NORTH         | ,                                     |   |
| COUNTY OF              | ) ss<br>)                             | •   |
| Ι,                     | · · · · · · · · · · · · · · · · · · · | being duly sworn, on my oath                        |
| say that the facts sta | ated in the foregoin                  | g application are true.                             |
|                        |                                       |   |
| Subscribed and swed    |                                       |   |
| TO THE GOVERNO         | OR:                                   |   |
| I have car             | refully examined                      | and approved the foregoing application and          |
| accompanying pape      | ers and it is my op                   | pinion that it would be proper for you to issue the |
| requisition asked for  | r.                                    |   |
|                        |                                       | Attorney General State of North Dakota              |
|                        |                                       | By: Assistant Attorney General                      |

2. In addition to the name of the sheriff, include "or his designated agent."

<sup>&</sup>lt;u>NOTE</u>: 1. Include <u>all</u> North Dakota statutes pertaining to crime and punishment (N.D.C.C. § 12.1-32-01). If charging the crime of theft, also include N.D.C.C. § 12.1-23-05 (Grading of Theft Offenses).

| STATE OF NORTH DAKOTA )  |
|--|
| County of)   |
| I,, do hereby certify that I have  |
| carefully compared the paper writing to which this certificate is attached with the          |
| respective original and warrant and warrant and warrant                                      |
| in the action therein entitled, as the same appear of record and on file in my office in the |
| County of, North Dakota, and find the same to be true  |
| and correct copies thereof, and of the whole thereof.  |
| In Witness Whereof, I have hereunto set my hand and affixed the seal of said court           |
| in said County, this day of, 20  |
|  |
|  |
| Clerk of Court   |
| (Seal of Office)   |

#### NOTE:

- The clerk of court, rather than the judge or magistrate, should execute this affidavit. A deputy clerk of court may also execute this affidavit.
- 2.

<u>ATTENTION</u>: Attach <u>certified</u> copies of the Information, Indictment or Complaint, and Warrant to this affidavit.

| STATE OF NORT        | H DAKOTA         | )              |                           |             |             |         |         |
|----------------------|------------------|----------------|---------------------------|-------------|-------------|---------|---------|
| County of            |                  | _)             |                           |             |             |         |         |
| Ι,                   | Court            |                |                           | ,           | Clerk       | of      | the     |
|                      |                  |                | he County of <sub>.</sub> |             |             |         |         |
| State of North Dak   | ota, do nereby   | certify that _ | (Name                     | of Judge or | Magistrate) |         |         |
| whose name appe      | ears herein, wa  | as at the time | e of the signing          | g of the    | same a d    | uly qu  | alified |
| and acting Judge     | or Magistrate ir | n said Count   | ty, and duly aut          | horized     | by laws o   | f said  | State,  |
| to administer oath   | s therein; furth | ermore that    | I am well acqu            | ainted v    | vith the ha | andwrit | ing of  |
| the said Judge or    | Magistrate and   | verily believe | e the signature           | to be ge    | enuine.     |         |         |
| IN TESTIM            | ONY WHERE        | OF, I have h   | nereunto set my           | hand a      | and affixed | d the s | eal of  |
| said court on this _ | day of           |                |                           | _, 20       |             |         |         |
|                      |                  |                |                           |             |             |         |         |
|                      |                  |                | Clerk of Cou              | urt         |             |         |         |
| (Seal of Office)     |                  |                |                           |             |             |         |         |

- <u>NOTE</u>: 1. Have the clerk or deputy clerk sign the signature verification on the same day as the verification by the judge or magistrate in the Affidavits 3 and 4. List name of judge as in other affidavits.
- 2.

| STATE OF NORTH DAKOTA )                                    |                                       |
|--|---------------------------------------|
| County of)   |                                       |
| (Name of Judge or Magistrate)                              | do hereby certify that I am the       |
| magistrate before whom the proceedings against said        | (Name of Defendant)                   |
| are now pending; that in my opinion(Names                  | of persons making Affidavits)         |
| whose names appear attached to the foregoing affida        | vits are reputable persons, are to be |
| believed, and that the facts stated in said affidavits pre | esent a proper case for requisition.  |
|  |                                       |
|  |                                       |
| (Judge or M  | lagistrate)                           |

- <u>NOTE</u>: 1. Same judge as named in Affidavit No. 2.
- List names of <u>all</u> persons who sign under oath in Application and Affidavits, including state's attorney, clerk of court, person who executes Affidavit No. 4, and all persons who execute 2. probable cause and identification affidavits.

# AFFIDAVIT TO BE MADE BY THE PRINCIPAL COMPLAINING WITNESS IN CASE OF THEFT OR FORGERY

| STATE OF NORTH DAKOTA )  |
|--|
| County of)   |
| On this day of, 20, before me, personally  |
| appeared who, being by me first duly   |
| sworn on oath did say, thathe is the principal complaining witness in the                      |
| pending prosecution of mentioned in Martine of Defendant)                                      |
| the foregoing application; that this application is made in good faith for the sole purpose of |
| punishing the accused; thathe does not desire or expect to use the said prosecution            |
| for the purpose of collecting a debt or for any private purpose whatsoever, and will no        |
| directly use the same for any of said purposes.  |
|  |
| Subscribed and sworn to before me this day of, 20  |
| (Judge or Magistrate)  |

#### NOTE:

- 1. Use only for the listed crimes.
- 2. Executed by the person who signed the complaint, if possible.
- 3. Acknowledged by same judge or magistrate named in Affidavit Nos. 2 and 3.

#### NOTE:

This affidavit is not absolutely required in all extraditions involving Theft or Forgery. However, it may be important in these cases if the demanded person claims that the extradition is being sought only for collection of money that has been illegally obtained. Although not required, this affidavit will be helpful in refuting this claim. It should be noted, however, that failure to obtain an executed affidavit by the principal complaining witness will not ordinarily prevent a successful extradition for these offenses.

| STATE OF NORTH DAKOTA )                      |                             |                                    |
|--|-----------------------------|------------------------------------|
| County of)                                   |                             |                                    |
| l,   |                             | , Judge or Magistrate of the       |
| Court  | in the County of            | State                              |
| of North Dakota, do hereby certify that      | (Name                       | e of Clerk)                        |
| whose name appears subscribed to             | the foregoing certification | ate, is and was at the time of     |
| making the same the clerk of said col        | urt in said State of No     | orth Dakota, duly qualified, the   |
| keeper of its seal, and the custodian o      | f its files and records;    | that the clerk's official acts are |
| entitled to full weight and credit; that I a | am well acquainted wi       | ith the handwriting of said clerk  |
| and that I verily believe said clerk's sig   | gnature to be genuine       |                                    |
| Witness my hand in the said C                | county of                   | , State of North                   |
| Dakota, on this day of                       | , 20                        | <u>_</u> .                         |
|  |                             |                                    |
|  | (Judge or Magistr           | ate)                               |

- Executed by same judge named in Affidavit Nos. 2, 3, and 4. Same clerk named in Affidavit Nos. 1 and 6.
- NOTE: 1. 2.

| STATE OF NORTH DAKOTA )   |
|---|
| County of)  |
| I,, Clerk of the  |
| Court in and for the County of, State of North Dakota,  |
| do hereby certify that the Honorable(Name of Judge or Magistrate)                               |
| whose name is subscribed to the foregoing certificate of attestation, is and was at the time    |
| of making the same, judge or magistrate of said court, duly qualified, and that said judge's    |
| or magistrate's official acts are entitled to full weight and credit; that I am well acquainted |
| with the handwriting of the said judge or magistrate, and verily believe said judge's or        |
| magistrate's signature to said certificate to be genuine.                                       |
| IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of                       |
| said court in said County, on the day of, 20  |
|   |
| Clerk of Court  |
| (Seal of Office)  |

- NOTE: 1. 2.
- Executed by same clerk as in Affidavit No. 2. Same judge named in Affidavit Nos. 1, 2, 3, and 5.

#### Additional Affidavits

#### Probable Cause Affidavit:

A separate affidavit, acknowledged by a judge, is now required by some states as a necessary attachment to the extradition request. This affidavit should set forth the factual basis establishing probable cause for the issuance of the complaint and warrant of arrest. A transcript of a probable cause hearing could also be attached to the affidavit, although this is not a requirement if the affidavit establishes probable cause.

Although many states accept a certified copy of the complaint and warrant as sufficient to establish probable cause, it is the better practice to provide an additional affidavit to avoid an otherwise unforeseen return of the extradition request. An unsworn information signed by the prosecuting attorney has <u>not</u> been accepted by some states as sufficient alone to support an arrest warrant since there is no proof, in the form of an affidavit or otherwise, that the warrant was issued after a finding of probable cause.

This affidavit may be a part of the certified copies of court documents included with the charging documents and warrant and verified by the clerk in Affidavit No. 1. The probable cause affidavit is proof that the warrant was issued after a determination of probable cause. Therefore, the affidavit should establish, by date of execution or filing, that it was executed before, or at the time of, the issuance of the arrest warrant and submitted for review to the judge or magistrate.

If the affidavit is dated after the issuance of the warrant, on its face it could not have been a basis for issuance of the warrant.

#### Identification Affidavit:

A number of states require a separate affidavit establishing the identity of the fugitive. This affidavit should include a physical description of the fugitive (race; skin, hair, and eye color; height; weight), any other identifying or distinguishing features, and a social security number. As an example:

Name: John L. Smith

Sex: Male Race: Caucasian

Age: 53 -- DOB 1/15/58

Height: 6' 2"
Weight: 225
Hair: Brown
Eyes: Brown

Scars: On left forearm and tattoo on right arm reading "MOM"

Soc. Sec. No.: 000-00-0000

A photograph and/or a fingerprint card could also be included as an exhibit to the affidavit.

This Identification Affidavit could be included within the Probable Cause Affidavit.

It is the better practice to include such an affidavit with all extradition requests even if not mandated by the state holding the fugitive. This affidavit may avoid an expensive and time-consuming identification hearing prior to return of the fugitive to North Dakota.

### **VIOLATION OF PROBATION**

#### Required Documentation

Submit 4 executed original sets consisting of the following documents:

- 1. Application For Extradition.
- 2. All Affidavits (including No. 4 if applicable).
- 3. <u>Certified copies</u> of Complaint, Information or Indictment; Judgment or Order Deferring Imposition of Sentence; Petition to Revoke Probation; and Order to Apprehend.
- 4. Affidavit of Identification.
- 5. Copies of all applicable North Dakota statutes pertaining to underlying crime and punishment (N.D.C.C. § 12.1-32-01 and N.D.C.C. §12.1-23-05 if theft conviction), and probation conditions and requirements (N.D.C.C. § 12.1-32-07).

#### APPLICATION FOR EXTRADITION

### TO THE GOVERNOR OF THE STATE OF NORTH DAKOTA:

| I have the honor to re          | quest that you issue a requisition upon the Governor of the      |
|---------------------------------|--|
| State of                        | for extradition of   |
| who stands convicted by         | (Complaint, Information, or Indictment)                          |
| with the crime of               | , committed in   |
| the County of                   | in the State of North Dakota, on the day of                      |
| , 20, there                     | eafter having violated the terms and conditions of probation,    |
| and who, to avoid prosecution   | , fled from the jurisdiction of the State of North Dakota and is |
| now a fugitive from justice, an | d, as I am now informed, is within the jurisdiction of the State |
| of                              | , at   |
| I hereby certify that in        | my opinion the ends of public justice require that the criminal  |
| and fugitive be brought back    | to the State of North Dakota for trial at public expense. I      |
| have carefully examined the f   | acts and believe that I have sufficient evidence to secure the   |
| conviction of said fugitive and | d that the offense charged and the punishment therefore is       |
| defined in Section(s)           | of the North   |
| Dakota Century Code. I furth    | er certify that this application is made in good faith, with the |
| sole purpose of prosecuting     | the accused fugitive for the crime so charged, and not to        |
| secure his return to this state | to afford opportunity for service of civil process upon him, or  |
| for any other purpose than sai  | d prosecution.   |
| I nominate                      |  |
| as a proper person to be app    | ointed agent of the State and certify that he has no personal    |
| interest in the arrest and ret  | urn of the fugitive other than a proper performance of his       |
| official duty.                  |  |

| Dated this                  | day of             |   |
|-----------------------------|--------------------|---|
|                             |                    | State's Attorney County, North Dakota               |
| STATE OF NORTH D            | AKOTA )            |   |
| County of                   | )                  |   |
| l,                          |                    | , being duly sworn, on my                           |
| oath say that the facts     | stated in the fore | egoing application are true.                        |
| •                           |                    |   |
|                             |                    |   |
| Subscribed and sworr day of | , 2                | 0   |
| Notary Public               |                    | <del>_</del>  |
| TO THE GOVERNOR             | <b>!</b> :         |   |
| I have carefu               | ully examined      | and approved the foregoing application and          |
| accompanying papers         | and it is my op    | pinion that it would be proper for you to issue the |
| requisition asked for.      |                    |   |
|                             |                    | Attorney General State of North Dakota  By:         |
|                             |                    | Assistant Attorney General                          |

#### NOTE:

- 1.
- Insert crime for which the fugitive was convicted. Include  $\underline{all}$  North Dakota statutes pertaining to the underlying crime, punishment (N.D.C.C. 2. § 12.1-32-01), and probation conditions and requirements (N.D.C.C. § 12.1-32-07). If the underlying crime is theft, also include N.D.C.C. 12.1-23-05 (Grading of Theft Offenses). In addition to the name of the sheriff, include "or his designated agent."
- 3.

| STATE OF NORTH DAKOTA )  |
|--|
| County of)   |
|  |
| I,, do hereby certify that I have carefully  |
| compared the paper writing to which this certificate is attached with the respective   |
| original and warrant in the action there entitled, as  (Information, Indictment, or Complaint; Judgment or Order Petition to Revoke Probation) |
| the same appear of record and on file in my office in the County of,   |
| North Dakota, and find the same to be true and correct copies thereof, and of the whole  |
| thereof.   |
| In Witness Whereof, I have hereunto set my hand and affixed the seal of said court   |
| in said County, this day of, 20  |
|  |
| Clerk of Court   |
| (Seal of Office)   |

#### NOTE:

- 1. The clerk of court, rather than the judge or magistrate, should execute this affidavit.
- 2. A deputy clerk of court may also execute this affidavit.

#### ATTENTION:

Attach <u>certified</u> copies of the Information, Indictment or Complaint, Judgment or Order Deferring Imposition of Sentence, Petition to Revoke Probation, and Warrant or Order to Apprehend, to this affidavit.

| STATE OF NORTH DAKOTA )                      |   |
|--|---|
| County of)                                   |   |
| I,(Name of Clerk)                            | _, Clerk of the Court                           |
| in and for the County of                     | and State of North Dakota, do hereby            |
| certify that(Name of Judge or Magistrate)    | whose name appears herein,                      |
| was at the time of the signing of the same   | a duly qualified and acting Judge or Magistrate |
| in said County, and duly authorized by la    | aws of said State, to administer oaths therein; |
| furthermore that I am well acquainted with   | the handwriting of the said Judge or Magistrate |
| and verily believe the signature to be genui | ne.   |
| IN TESTIMONY WHEREOF, I have                 | e hereunto set my hand and affixed the seal of  |
| said court on this day of                    | , 20  |
|  |   |
|  | Clerk of Court                                  |
| (Seal of Office)                             |   |

- <u>NOTE</u>: 1. Have the clerk or deputy clerk sign the signature verification on the same day as the verification by the judge or magistrate in the Affidavit Nos. 3 and 4. List name of judge as in other affidavits.
- 2.

| do hereby certify that I am the magistrate  |
|---|
| (Name of Defendant)                         |
|   |
| making Affidavits)                          |
| affidavits are reputable persons, are to be |
| rits present a proper case for requisition. |
| e or Magistrate)                            |
| •   |

### NOTE:

- 1. Same judge as named in Affidavit No. 2.
- 2. List names of <u>all</u> persons who sign under oath in Application and Affidavits, including state's attorney, clerk of court, person who executes Affidavit No. 4, and all persons who execute probable cause and identification affidavits.

# AFFIDAVIT TO BE MADE BY THE PRINCIPAL COMPLAINING WITNESS IN CASE OF THEFT OR FORGERY

| STATE OF NORTH DAKOTA )  |
|--|
| County of)   |
| On this day of, 20, before me, personally  |
| appeared who, being by me first duly sworn on (Name of Affiant)                            |
| oath did say thathe is the principal complaining witness in the pending                    |
| prosecution of mentioned in the (Name of Defendant)  |
| foregoing application; that this application is made in good faith for the sole purpose of |
| punishing the accused; thathe does not desire or expect to use the said prosecution        |
| for the purpose of collecting a debt or for any private purpose whatsoever, and will not   |
| directly use the same for any of said purposes.  |
|  |
|  |
| Subscribed and sworn to before me this day of, 20  |
| (Judge or Magistrate)  |

#### NOTE:

- 1. Use only for the listed crimes.
- 2. Executed by the person who signed the complaint, if possible.
- 3. Acknowledged by same judge or magistrate named in Affidavit Nos. 2 and 3.

#### NOTE:

This affidavit is not absolutely required in all extraditions involving Theft or Forgery. However, it may be important in these cases if the demanded person claims that the extradition is being sought only for collection of money that has been illegally obtained. Although not required, this affidavit will be helpful in refuting this claim. It should be noted, however, that failure to obtain an executed affidavit by the principal complaining witness will not ordinarily prevent a successful extradition for these offenses.

| STATE OF NORTH DAKOTA )  |
|--|
| County of)   |
| I,, Judge or Magistrate of the   |
| Court in the County of, State of   |
| North Dakota, do hereby certify that(Name of Clerk)  |
| whose name appears subscribed to the foregoing certificate, is and was at the time of              |
| making the same the clerk of said court in said State of North Dakota, duly qualified, the         |
| keeper of its seal, and the custodian of its files and records; that the clerk's official acts are |
| entitled to full weight and credit; that I am well acquainted with the handwriting of said clerk   |
| and that I verily believe said clerk's signature to be genuine.                                    |
| Witness my hand in the said County of, State of North  |
| Dakota, on this day of, 20   |
|  |
|  |
| (Judge or Magistrate)  |

- Executed by same judge named in Affidavit Nos. 2, 3, and 4. Same clerk named in Affidavit Nos. 1 and 6.
- NOTE: 1. 2.

| STATE OF NORTH DAKOTA )                    |   |
|--|---|
| County of)                                 |   |
| I,(Name of Clerk)                          | , Clerk of the  |
|  | , State of North Dakota, do                             |
| hereby certify that the Honorable          | (Name of Judge or Magistrate)                           |
| whose name is subscribed to the forego     | ping certificate of attestation, is and was at the time |
| of making the same, judge or magistrate    | e of said court, duly qualified, and that said judge's  |
| or magistrate's official acts are entitled | to full weight and credit; that I am well acquainted    |
| with the handwriting of the said judge     | or magistrate, and verily believe said judge's or       |
| magistrate's signature to said certificate | to be genuine.  |
| IN TESTIMONY WHEREOF, I h                  | nave hereunto set my hand and affixed the seal of       |
| said court in said County, on the          | _ day of, 20  |
|  |   |
|  |   |
|  | · · · · · · · · · · · · · · · · · · ·                   |
|  | Clerk of Court  |
| (Seal of Office)                           |   |

- <u>NOTE</u>: 1.
- Executed by same clerk as in Affidavit No. 2. Same judge named in Affidavit Nos. 1, 2, 3, and 5. 2.

#### Additional Affidavits

#### Probable Cause Affidavit:

Unlike an extradition for the original crime, submission of the Petition to Revoke Probation and other related documents will generally be sufficient to establish probable cause for the issuance of the warrant or Order to Apprehend. Unless the Application for Extradition also requests return of the fugitive for an offense in addition to the probation violation, a separate probable cause affidavit is not required. However, an Affidavit of Identification should be prepared and submitted.

#### **Identification Affidavit:**

A number of states require a separate affidavit establishing the identity of the fugitive. This affidavit should include a physical description of the fugitive (race; skin, hair, and eye color; height; weight), any other identifying or distinguishing features, and a social security number. As an example:

Name: John L. Smith

Sex: Male

Race: Caucasian

Age: 53 -- DOB 1/15/58

Height: 6' 2"
Weight: 225
Hair: Brown
Eyes: Brown

Scars: On left forearm and tattoo on right arm reading "MOM"

Soc. Sec. No.: 000-00-0000

A photograph and/or a fingerprint card could also be included as an exhibit to the affidavit.

It is the better practice to include such an affidavit with all extradition requests even if not mandated by the state holding the fugitive. This affidavit may avoid an expensive and time-consuming identification hearing prior to return of the fugitive to North Dakota.

### REIMBURSEMENT OF EXTRADITION EXPENSES

The 1987 Legislature adopted N.D.C.C. § 29-30.3-26 which authorizes the reimbursement of extradition expenses. If the charged offense is a felony, the expenses of returning the fugitive to North Dakota will be paid out of the State treasury and, in all other cases, such expenses will be paid out of the county treasury in the county in which the crime is alleged to have been committed.

The expenses paid for the return of fugitives will be in accordance with N.D.C.C. §§ 44-08-04 and 54-06-09, the mileage and per diem expense limitations for state employees in the performance of their official duties. A non-employee travel reimbursement claim form (SFN 10230) should be filed with the Attorney General's office upon completion of an extradition trip. The claim form can be accessed at <a href="http://www.nd.gov/eforms/Doc/sfn10230.pdf">http://www.nd.gov/eforms/Doc/sfn10230.pdf</a>. Out-of-state per diem rates can be found at <a href="http://www.gsa.gov/portal/category/21287">http://www.gsa.gov/portal/category/21287</a>. Make sure that all portions of the form pertaining to dates and location of travel, time of arrival and departure, expenses incurred, and purpose of trip are completed.

Reimbursement will <u>not</u> be made if the fugitive is returned under the Interstate Agreement on Detainers, upon a waiver of extradition, prior to the execution of a governor's requisition, or other provision of law that permitted return to this state other than by extradition.

### **EXTRADITION FOR MISDEMEANOR OFFENSES**

Although classification of an offense as a misdemeanor may be important when determining the authority to arrest a fugitive (see, N.D.C.C. §§ 29-30.3-04 and 29-30.3-05.), this classification does not prevent issuance of a Governor's warrant and subsequent extradition of a fugitive.

A demand for extradition requires only that the fugitive be charged with, or convicted of, a "crime" in the demanding state. N.D.C.C. § 29-03.3-08.

Many factors are involved in deciding whether to seek extradition for a misdemeanor offense. Local law enforcement should examine the nature of the offense, length of time that has passed, wishes of the victim, potential costs involved and other factors with their local state's attorney before commencing extradition proceedings. Costs for extradition or misdemeanor charges must be paid out of the county treasury in which the crime is alleged to have been committed. N.D.C.C. § 29-30.3-26.

### **INTERSTATE RENDITION OF JUVENILES**

Juveniles charged with a delinquent act for violating a criminal law may be returned to this state by use of rendition proceedings in addition to other procedures authorized by the Interstate Compact on Juveniles found in N.D.C.C. ch. 27-22. The rendition procedures to be followed are found in N.D.C.C. § 27-22-07.

## **UNIFORM EXTRADITION AND RENDITION ACT**

The Uniform Extradition and Rendition Act is found at N.D.C.C. ch. 29-30.3.