



REVISED RULES FOR APPLICATIONS FOR EXTRADITION  
EXECUTIVE ORDER NO. 6

I, Patrick J. Lucey, Governor of the State of Wisconsin, hereby promulgate the following revised rules for Applications for Extradition, attached hereto as Exhibit A.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this 1st day of February, in the year of our Lord one thousand nine hundred and seventy-one.

PATRICK J. LUCEY  
GOVERNOR

By the Governor:

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SECRETARY OF STATE

# RULES FOR APPLICATIONS FOR EXTRADITION

(Revised by Executive Order of February 1, 1971)

1. Every application to the Governor of Wisconsin for a requisition must be made in writing by the District Attorney or other prosecuting officer of the county in which the crime was committed except that when the return to this state is required of a person who has been convicted of a crime and has escaped from confinement or broken the terms of his bail, probation, or parole, the application may be made by the Department of Health and Social Services or the warden of the institution or sheriff of the county from which escape was made.

Application forms may be obtained from the Executive Office.

2. The district Attorney or other prosecuting officer must, in addition to the requirements of the statutes, certify he is satisfied the defendant will be brought back to the state for trial at public expense, that such expense shall be a county charge, and that he believes he can obtain and will be able to produce at the trial the evidence necessary to secure a conviction.

3. Such officer must name in the application a proper person to whom the warrant may issue as Agent of the State, and must certify that such person has no private interest in the arrest of the defendant.

4. The facts and circumstances constituting the offense charged must appear by affidavit and must be sufficient to establish prima facie evidence of guilt against the party accused. If the facts are fully stated in the complaint

or in documents annexed thereto, they need not be restated elsewhere in the application but may be incorporated by reference where appropriate.

5. It must appear satisfactorily that the object in seeking a requisition is not to collect a debt nor for any private end and that the application is made in good faith with the object of enforcing the charge of a crime against the offender.

6. It must be affirmatively stated whether any application for a requisition for the same person for an offense arising out of the same transaction has been previously made and, if a prior application has been made and denied, any new facts appearing in the papers must be specifically pointed out.

7. Except in cases arising under §52.10 (5) and 976.03 (6) of the Statutes, it must appear by affidavit that the accused was in this state at the time the offense is alleged to have been committed and that he subsequently fled therefrom. The time and circumstances of his departure must be shown as particularly as possible. The application must also state where the accused is, or is believed to be, at the time of application.

8. If the offense was not of recent occurrence, satisfactory reasons must be given why the application has been delayed.

9. The original application forwarded to the Governor must be accompanied by at least one duplicate original to be retained in the Executive Office. Additional duplicate originals must be furnished when the requirements of the asylum state so demand. A current list of states requiring more than one original and of states requiring extradition fees may be obtained from the Executive Office. The original

application and all duplicates must be accompanied by certified copies of all pertinent court papers. Where a fee is charged, the application must be accompanied by a check made payable to the appropriate official.

10. Extradition from foreign countries will be requested only if covered within the terms of a treaty between the United States and the foreign country of asylum.

11. No requisition will be issued for the return of a person charged in a paternity proceeding since such an action is civil and not criminal. Nevertheless, the accused may be extradited if charged with nonsupport of an illegitimate child under §52.05, Stats.

12. Any crime, whether a felony or a misdemeanor, is subject to extradition except when the crime is of such a trivial character as to make it doubtful that the requisition will be honored by the Governor of the asylum state.

13. If an application is made for the requisition of a nonfugitive pursuant to §976.03 (6) Wis. Stats., the complaint, information or indictment charging the commission of the crime must allege that the accused did commit an act or acts in the state of . . . (naming the state) intentionally resulting in the commission of a crime in the State of Wisconsin, to-wit: (etc., describing the crime). No such requisition will be granted unless the asylum state has adopted the Uniform Criminal Extradition Act or some equivalent provision for the rendition of nonfugitives. Inasmuch as the granting of such requisitions by the asylum state is discretionary, facts showing the urgency of the requisition or the aggravated character of the offense should be alleged.

14. Rubber stamp or other facsimile signatures are not acceptable except when used to conform a certified copy of a court record.

15. Applications for extraditions of persons charged with nonsupport will not be considered unless accompanied by an affidavit showing a good faith effort to enforce support obligations under the Uniform Reciprocal Enforcement of Support Act, or why such an effort would be futile. See §52.10 (6) Wis. Stats.

16. All rejected applications for requisitions will be return to the applicant.

17. The agent appointed to return the accused to this state will as rapidly as possible endorse upon his Certificate of Authority a statement of his activities in connection therewith. He shall state in particular whether or not the accused was returned by him to this state and, if not, the reasons therefor. The Certificate of Authority will then be forwarded to the Executive Office.

18. Any application not complying with the requirements of law and these rules will be rejected without inquiring into its intrinsic merit unless the noncompliance is satisfactorily justified. If a requisition has been improperly or unadvisedly granted, it can and may be revoked.