

CHAPTER 16**Interstate Extradition****SECTIONS**

- § 1601. Interstate extradition—Obligations of States.**
- § 1602. Requirement for warrant.**
- § 1603. Contents of warrant.**
- § 1604. Transmittal of warrant.**
- § 1605. Ratification of warrant.**
- § 1606. Required findings by court.**
- § 1607. Time limitations.**
- § 1608. Expenses.**

§ 1601. Interstate extradition—Obligations of States.

(1) A person charged with a public offense in any State of the Federated States of Micronesia, who flees to any other State of the Federated States of Micronesia, shall, upon demand from the executive of the charging State, be apprehended, removed and delivered from the asylum State to the requesting State, in accordance with the provisions of this chapter.

(2) The asylum State shall, within a reasonable time after apprehension of a person in accordance with this section, make reasonable efforts to provide notice of the apprehension to one of the following people, in the following order of priority:

- (a) The apprehended person's spouse, if any;
- (b) The apprehended person's most competent child, if any;
- (c) The head of the family with which the apprehended person has been staying in the asylum State;

(3) Before a person who has been apprehended in accordance with subsection (1) of this section may be removed to the requesting State, the asylum State must make reasonable efforts to allow an opportunity for the person who is apprehended to communicate for a reasonable length of time with the person who has been notified in accordance with subsection (2) of this section.

(4) A person who has been apprehended in accordance with subsection (1) of this section may choose to waive his rights to notice and/or visitation under subsections (2) and (3) of this section. Any such waiver must be in writing, and must be signed by the apprehended person. If the apprehended person signs a waiver of his right to notice under subsection (2) of this section, no such notice shall be made. If the apprehended person signs a waiver of his right to visitation under subsection (3) of this section, no such visitation shall occur.

Source: PL 10-30 § 3.

Cross-reference: The provisions on Criminal Extradition are found in chapter 14 of this title.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fsmsupremecourt.org/>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 1602. Requirement for warrant.

No person shall be extradited from one State to another within the Federated States of Micronesia unless a warrant of arrest is first issued by a court of competent jurisdiction in the requesting State.

Source: PL 10-30 § 4.

§ 1603. Contents of warrant.

The warrant of arrest shall set forth with specificity the person to be arrested, a physical description of the person, the offense for which extradition is sought, and the accused person's rights under subsections (2), (3), and (4) of section 1601 of this chapter. The offense for which extradition is sought need not be an offense in the asylum State, so long as it is an offense in the requesting State.

Source: PL 10-30 § 5.

§ 1604. Transmittal of warrant.

After a warrant of arrest has been issued, the executive of the requesting State shall transmit a copy of the warrant of arrest, along with his request for execution thereof, to the executive of the asylum State.

Source: PL 10-30 § 6.

§ 1605. Ratification of warrant.

Upon receipt, the executive of the asylum State shall ratify the warrant and request, and deliver the same to local law enforcement agencies for execution.

Source: PL 10-30 § 7.

§ 1606. Required findings by court.

After arrest of the fugitive, he shall be brought before a court of competent jurisdiction in the asylum State. The court shall determine the validity of the warrant and request and the identity of the fugitive, and may detain the fugitive until his removal or may release him on such conditions as will insure his ready presence for removal, and shall issue findings of fact as to the validity of the warrant and request and the identity of the fugitive.

Source: PL 10-30 § 8.

§ 1607. Time limitations.

A fugitive detained shall be removed to the requesting State within 30 days of the issuance of findings by a court of the asylum State, and if not detained, the fugitive shall be removed to the requesting State within 60 days of the issuance of findings by a court of the asylum State. If not removed within these time limits, the case shall be dismissed without prejudice.

Source: PL 10-30 § 9.

§ 1608. Expenses.

All expenses of the extradition, including return to the asylum State upon completion of proceedings in the requesting State, shall be borne by the requesting State.

Source: PL 10-30 § 10.