

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

776.7 Extradition; demand for certain persons by another state; warrant to sheriff, examination, attorney general's report.

Sec. 7.

Whenever a demand shall be made upon the governor of this state by the governor of any other state or territory in any case authorized by the constitution and laws of the United States for the delivery over of any person charged in such state or territory with treason, felony or any other crime and there shall be produced with such demand a copy of the indictment found or information filed, or affidavit or complaint made before a magistrate of the state or territory demanding, charging the person so demanded with having committed treason, felony, or other crime within such state or territory, duly certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged fled, with due proof of the fleeing, it shall be the duty of the governor of this state to issue an order or warrant to the sheriff of the county in which such person so charged may be found, commanding him to forthwith arrest such alleged fugitive and to deliver him to the duly authorized agent appointed by the executive authority making such demand to receive him and remove him to the proper place for prosecution. But the sheriff, while the alleged fugitive is in his custody and before delivering him up to the agent of the demanding state, shall afford him every facility to enable him to have a judicial examination if he desires it, by habeas corpus or otherwise, to ascertain whether the demand and arrest have been made conformably to the requirements of law so that such person if he ought not to be delivered may be duly discharged, and the attorney general when required by the governor shall forthwith investigate the grounds of demand and report to the governor all material facts, which may come to his knowledge, as to the situation and circumstances of the person so demanded, and especially whether he is held in custody or is under recognizance to answer for any offense against the laws of this state, or of the United States or by virtue of any civil process, and also whether such demand was made conformably to law, so that such person ought not to be delivered up.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17497 ;-- CL 1948, 776.7

Former Law: See section 7 of Ch. 170 of R.S. 1846, being CL 1857, § 6120; CL 1871, § 8005; How., § 9621; CL 1897, § 11992; CL 1915, § 15885; and Act 235 of 1879.