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Criminal Procedure

Criminal Procedure; telegraphic copies of extradition arrest warrants

NEV. REV. STAT. § 179.191 (amended).

AB 113 (Committee on Judiciary); 1987 STAT. Ch 35

Under existing law, to comply with a demand for extradition, an arrest warrant that substantially recites the facts necessary to validate the warrant¹ must be sealed and directed to a peace officer or other person fit to execute the warrant.² Chapter 35 provides that an abstract or a telegraphic copy of the arrest warrant has the same effect as the original warrant when sent by telegraph, teletype, or any other electronic device to the person entrusted with the execution of the warrant.³

PSS

1. See NEV. REV. STAT. § 171.108 (arrest warrant contents).

2. *Id.* § 179.191 1 (amended by 1987 Nev. Stat. ch. 35, sec. 1, at ___) (the governor must sign the warrant).

3. 1987 Nev. Stat. ch. 35, sec. 1, at ___ (enacting NEV. REV. STAT. § 179.191 1). Chapter 35 requires the sender of the telegraphic copy or abstract to certify the correctness of the copy or abstract, and to file a copy of the warrant in the telegraphic office from which the copy or abstract was sent. *Id.* (enacting NEV. REV. STAT. § 179.191 2). Furthermore, the original warrant and an explanation of what actions were taken under the warrant must be returned to the governor's office. *Id.* (enacting NEV. REV. STAT. § 179.191 3). See generally *Puerto Rico v. Branstad*, 107 S. Ct. 2802, ___, 55 U.S.L.W. 4975, 77-78 (1987) (federal courts have the constitutional authority under the Extradition Clause to compel an asylum state to deliver fugitives upon proper demand). Cf. CAL. PENAL CODE §§ 850 (transmission of telegraphic copies of an arrest warrant), 851 (certification of a warrant's correctness, filing of a copy, and return of original), 1549.2 (execution, direction, and contents of an extradition arrest warrant).