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RN 17 14871 PAGE 1

An act to amend Section 1557 of the Penal Code, relating to extradition.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1557 of the Penal Code is amended to read:

1557. (a) This section shall apply when this state or a city, county, or city and county employs a person to travel to a foreign jurisdiction outside this state for the express purpose of returning a fugitive from justice to this state when the Governor of this state, in the exercise of the authority conferred by Section 2 of Article IV of the United States Constitution, or by the laws of this state, has demanded the surrender of the fugitive from the executive authority of any state of the United States, or of any foreign government.

(b) Upon the approval of the Governor, the Controller shall audit and pay out of the State Treasury as provided in subdivision (c) or (d) the accounts of the person employed to bring back the fugitive, including any money paid by that person for all of the following:

(1) Money paid to the authorities of a sister state for statutory fees in connection with the detention and surrender of the fugitive.

(2) Money paid to the authorities of the sister state for the subsistence of the fugitive while detained by the sister state without payment of which the authorities of the sister state refuse to surrender the fugitive.

(3) Where it is necessary to present witnesses or evidence in the sister state, without which the sister state would not surrender the fugitive, the cost of producing the witnesses or evidence in the sister state.

(4) Where the appearance of witnesses has been authorized in advance by the Governor, who may authorize the appearance in unusual cases where the interests of



justice would be served, the cost of producing witnesses to appear in the sister state on behalf of the fugitive in opposition to his or her extradition.

(c) No amount shall be paid out of the State Treasury to a city, county, or city and county except as follows:

(1) When a warrant has been issued by any magistrate after the filing of a complaint or the finding of an indictment and its presentation to the court and filing by the clerk, and the person named therein as defendant is a fugitive from justice who has been found and arrested in any state of the United States or in any foreign government, the county auditor shall draw his or her warrant and the county treasurer shall pay to the person designated to return the fugitive, the amount of expenses estimated by the district attorney to be incurred in the return of the fugitive.

(2) If the person designated to return the fugitive is a city officer, the city officer authorized to draw warrants on the city treasury shall draw his or her warrant and the city treasurer shall pay to that person the amount of expenses estimated by the district attorney to be incurred in the return of the fugitive.

(3) The person designated to return the fugitive shall make no disbursements from any funds advanced without a receipt being obtained therefor showing the amount, the purpose for which the sum is expended, the place, the date, and to whom paid.

(4) A receipt obtained pursuant to paragraph (3) shall be filed by the person designated to return the fugitive with the county auditor or appropriate city officer or the Controller, as the case may be, together with an affidavit by the person that the expenditures represented by the receipts were necessarily made in the performance of duty, and when the advance has been made by the county or city treasurer to the person



designated to return the fugitive, and has thereafter been audited by the Controller, the payment thereof shall be made by the State Treasurer to the county or city treasury that has advanced the funds.

(5) ~~In every case where~~ If the expenses of the person employed to bring back the fugitive ~~as provided in this section,~~ are less than the amount advanced on the recommendation of the district attorney, the person employed to bring back the fugitive shall return to the county or city treasurer, as appropriate, the difference in amount between the aggregate amount of receipts so filed by him or her, ~~as herein employed,~~ and the amount advanced to the person upon the recommendation of the district attorney.

(6) When no advance has been made to the person designated to return the fugitive, the sums expended by him or her, when audited by the Controller, shall be paid by the State Treasurer to the person so designated.

(7) Any payments made out of the State Treasury pursuant to this section shall be made from appropriations for the fiscal year in which those payments are made.

~~(d) Payments to state agencies will be made in accord with the rules of the Department of General Services. No~~ A city, county, or other jurisdiction ~~may~~ shall not file, and the state ~~may~~ shall not reimburse, a claim pursuant to this section that is presented to the Department of Corrections and Rehabilitation or to any other agency or department of the state more than six months after the close of the month in which the costs were incurred. Notwithstanding any other law a person transporting a fugitive as authorized by the Governor pursuant to this section shall be reimbursed according to the rates in paragraphs (1) to (5), inclusive. Rates and rules for reimbursement of



travel claims not specified in paragraphs (1) to (5), inclusive, shall be consistent with the rules of the Department of General Services.

(1) Reimbursement for breakfast is up to five dollars (\$5).

(2) Reimbursement for lunch is up to ten dollars (\$10).

(3) Reimbursement for dinner is up to fifteen dollars (\$15).

(4) Reimbursement for incidental expenses is up to four dollars (\$4).

(5) Reimbursement for a meal for a prisoner, patient, ward, or fugitive is up to four dollars (\$4).



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Extradition: reimbursement rates.

Existing law authorizes, if certain conditions are met, reimbursement for expenses or payment of specified costs incurred by a person employed by the state, or a city, county, or city and county, to travel to a jurisdiction outside of the state for the purpose of returning a fugitive from justice to this state.

This bill would establish reimbursement rates for meals and incidental expenses for persons transporting fugitives for return to certain local government jurisdictions, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

