

ployees' Retirement System of Alaska to the Department of Administration for administrative costs of the system for the fiscal year ending June 30, 1961 according to the following schedule:

Personal Services	\$ 8,280
Travel	1,050
Contractual Services	4,678
Commodities	200
Equipment	740
	\$ 14,948

Sec. 2. Within the limitations of the appropriations set out in Section 1 of

this Act, amounts may be advanced from the general fund of the state for such administrative costs after July 1, 1960 and prior to the effective date of the "Public Employees' Retirement System" Act, provided that such advances shall be refunded to the general fund from the system after the effective date of the "Public Employees' Retirement System" Act.

Sec. 3. This Act shall take effect July 1, 1960.

Approved April 19, 1960

CHAPTER 152

AN ACT

**Appropriating from the general fund, the highway fund and certain other special funds of the state to make the employer contributions required by the act establishing the "Public Employees' Retirement System" for the six month period beginning January 1, 1961 and ending June 30, 1961; and providing for an effective date.**

(S.B. 185)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. The following amounts are hereby appropriated from the listed funds of State of Alaska to the "Public Employees Retirement System of Alaska" for the six month period beginning January 1, 1961 and ending June 30, 1961, to cover the state's employer contributions as required by Sec. 10 of the act establishing said system:

General Fund	\$302,800
Highway Fund	22,500

Water and Harbor Facilities Fund	790
Fish and Game Fund	6,000
Social Security Administration Fund	220
Teachers' Retirement Fund	295
World War II Veterans Revolving Fund	2,215
Agricultural Revolving Loan Fund	290

Sec. 2. This Act shall take effect January 1, 1961.

Approved April 19, 1960

CHAPTER 153

AN ACT

**Relating to the extradition of persons charged with crime, and to make uniform the law with reference thereto; repealing Sections 66-25-1 through 66-25-15, ACLA 1949; and providing for an effective date.**

(C.S.H.B. 322)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. **Definitions.** Where appearing in this Act:

a. "Governor", includes any person performing the functions of Governor by authority of the law of this state.

b. "Executive Authority", includes the Governor, and any person performing the functions of Governor in a state other than this state.

c. "State", referring to a state other than this state, includes any other state or possession of the United States of America.

**Sec. 2. Fugitives from Other States; Duty of Governor.** Subject to the provisions of this Act, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this state to have arrested and delivered up to the Executive Authority of any other state any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

**Sec. 3. Form of Demand.** (1) No demand for the extradition of a person accused but not yet convicted of a crime in another state shall be recognized by the Governor of this state unless made in writing and containing the following:

(a) An allegation that the accused was present in the demanding state at the time of the commission of the alleged crime and that thereafter he fled the demanding state; except that the allegation contained in this subparagraph (1) (a) shall not be required in a proceeding based on Sec. 6 of this Act.

(b) A copy of an indictment found or an information supported by affidavit in the state having jurisdiction of the crime or by a copy of a complaint, affidavit or other equivalent accusation made before a magistrate there. Said indictment, information, or complaint, affidavit or other equivalent accusation must substantially charge the person demanded with having committed a crime under the law of that state, and the said copy must be authenticated by the Executive Authority making the demand.

(2) No demand for the extradition of a person convicted of a crime in another state shall be recognized by the Governor

of this state unless made in writing and containing the following:

(a) A statement by the Executive Authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of bail, probation or parole.

(b) A copy of the judgment of conviction or of a sentence imposed in execution thereof. Said copy must be authenticated by the Executive Authority making the demand.

**Sec. 4. Investigation of Demand and Report.** When a demand shall be made upon the Governor of this state by the Executive Authority of another state for a surrender of a person so charged with crime, the Governor shall investigate the demand.

**Sec. 5. Extradition of Persons Imprisoned or Awaiting Trial in Another State or Who Have Left the Demanding State Under Compulsion.** When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this state may agree with the Executive Authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The Governor of this state may also surrender on demand of the Executive Authority of any other state any person in this state who is charged in the manner provided in Sec. 23 of this Act with having violated the laws of the state whose Executive Authority is making the demand, even though such person left the demanding state involuntarily.

**Sec. 6. Extradition of Persons Not Present in Demanding State at Time of Commission of Crime.** The Governor of this state may also surrender, on demand of the Executive Authority of any other state, any person in this state charged in such other state in the manner provided in Sec. 3 with committing an act in this state, or a third state, intention-

ally resulting in a crime in the state whose Executive Authority is making the demand, and the provisions of this Act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

**Sec. 7. Issue of Governor's Warrant of Arrest; Its Recitals.** If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

**Sec. 8. Manner and Place of Execution of the Warrant.** Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this Act to the duly authorized agent of the demanding state.

**Sec. 9. Authority of Arresting Officer to Command Assistance.** Every such officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

**Sec. 10. Rights of Accused Person; Application for Writ of Habeas Corpus.** No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of the Superior Court or a District Magistrate of this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality

of his arrest, the judge of such Superior Court or such District Magistrate shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting attorney of the judicial district in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

**Sec. 11. Penalty for Non-Compliance With Preceding Section.** Any officer or other person who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in wilful disobedience to the last section, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than **One Thousand Dollars** (\$1,000.00), or be imprisoned not more than six (6) months, or both.

**Sec. 12. Confinement in Jail When Necessary.** a. The officer or person executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in a jail in any political subdivision, judicial district or city of this state, through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

b. The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in a jail in any political subdivision, judicial district or city of this state through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; pro-

vided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the Executive Authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

**Sec. 13. Arrest Prior to Requisition.** Whenever any person within this state shall be charged on the oath of any credible person before any judge of the Superior Court or District Magistrate of this state with the commission of any crime in any other state and, except in cases arising under Sec. 6, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge of the Superior Court or District Magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under Sec. 6, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge of the Superior Court or District Magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge of the Superior Court or District Magistrate, who may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint or affidavit upon which the warrant is issued shall be attached to the warrant.

**Sec. 14. Arrest Without Warrant.** The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of another state with a crime punishable by death or

imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a Superior Court judge or District Magistrate without unnecessary delay and, in any event, within twenty four hours after his arrest, including Sundays and holidays, and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

**Sec. 15. Commitment to Await Requisition; Bail.** If from the examination before the Superior Court judge or District Magistrate it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under Sec. 6, that he has fled from justice, the Superior Court judge or District Magistrate, must commit him to jail for such a time, not exceeding thirty days, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged. The commitment by the judge of the Superior Court or by the District Magistrate must be by a warrant which must recite the following:

- a. the accusation against him;
- b. the fact that the commitment is for such time as will enable the arrest of the accused to be made under a warrant of the Governor of this state; and
- c. that in any event the commitment shall be for a period not to exceed thirty days.

**Sec. 16. Bail.** Unless the offense with which the prisoner is charged is shown to be an offense punishable by death under the laws of the state in which it was committed, a Superior Court judge or District Magistrate in this state must admit the person arrested to bail by bond or undertaking, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond or undertaking and for his surrender, to be arrested upon the warrant of the Governor of this state.

**Sec. 17. Extension of Time of Commitment; Adjournment.** If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond or undertaking, a judge of the Superior Court or District Magistrate may discharge him or may recommit him for a further period not to exceed sixty days, or a judge of the Superior Court or District Magistrate may again take bail for his appearance and surrender, as provided in Sec. 16, but within a period not to exceed sixty days after the date of such new bond or undertaking.

**Sec. 18. Forfeiture of Bail.** If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond or undertaking the Superior Court judge or District Magistrate by proper order, shall declare the bond or undertaking forfeited, and order his immediate arrest if he be within this state. Recovery may be had on such bond or undertaking in the name of the state as in the case of other bonds or undertakings given by the accused in criminal proceedings within this state.

**Sec. 19. Persons Under Criminal Prosecution in This State at Time of Requisition.** If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the Governor, in his discretion, either may surrender him on demand of the Executive Authority of another state or may hold him until he has been tried and discharged, or convicted and punished in this state.

**Sec. 20. Guilt or Innocence of Accused; When Inquired Into.** The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor in any proceeding after the demand for extradition, accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

**Sec. 21. Governor May Recall Warrant or Issue Alias.** The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

**Sec. 22. Fugitives From This State;**

**Duty of Governors.** Whenever the Governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the Executive Authority of any other state, or from a judge of the District Court of the United States for the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the judicial district in this state in which the offense was committed.

**Sec. 23. Application for Issuance of Requisition; By Whom Made; Contents.**

a. When the return to this state of a person charged with a crime in this state is required, the prosecuting attorney of the judicial district in which the offense is committed, or the attorney general, shall present to the Governor his written application for a requisition for the return of the person charged; in the application shall be stated the name of the person so charged, the crime charged against him the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that in the opinion of the said prosecuting attorney, or the attorney general, the ends of justice require the arrest and return of the accused to this state for trial, and that the proceeding is not instituted to enforce a private claim.

b. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the judicial district in which the offense was committed, or the attorney general, the parole or probation authority having jurisdiction over him, or the Commissioner of the Department of Health and Welfare, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime for which he was convicted, the circumstances of his escape

from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time the application is made.

c. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the Superior Court judge or District Magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The attorney general or the prosecuting attorney, the parole or probation authority, or the Commissioner of the Department of Health and Welfare may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the Governor to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

**Sec. 24. Immunity from Service of Process in Certain Civil Action.** A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

**Sec. 25. Written Waiver of Extradition Proceedings.** a. Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in Secs. 7 and 8 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence

of any Superior Court judge or District Magistrate within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge or District Magistrate to inform such person of his right to the issuance and service of a warrant of extradition and of his right to apply for a writ or habeas corpus as provided for in Sec. 10.

b. If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this state and filed therein. The judge or District Magistrate shall direct that the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

**Sec. 26. Nonwaiver by This State.** Nothing in this Act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this Act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

**Sec. 27. No Right of Asylum; No Immunity From Other Criminal Prosecutions While in This State.** After a person has been brought back to this state through extradition proceedings, or after waiver of extradition proceedings by such person, he may be tried in this state for other crimes which he may be charged with having committed here as well as

that specified in the requisition for his extradition.

**Sec. 28. Interpretation.** The provisions of this Act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

**Sec. 29. Repeal.** Sections 66-25-1 through 66-25-15, ACLA 1949, are hereby repealed and all Acts and parts of Acts

inconsistent with the provisions of this Act and not expressly repealed herein are hereby repealed.

**Sec. 30. Short Title.** This Act may be cited as the "Uniform Criminal Extradition Act."

**Sec. 31. Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 19, 1960

## CHAPTER 154

### AN ACT

**Relating to the construction or repair of pioneering access roads by the Department of Public Works; amending Secs. 1, 2, 3, and 4, Ch. 47, SLA 1959; and providing for an effective date.**

(H.B. 366)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. Sec. 1, Ch. 47, SLA 1959 is amended to read as follows:

**Section 1. Findings and Declaration of Purpose.** The legislature hereby finds that many of the areas within the state rich in natural resources are inaccessible because of the lack of roads therein; that this inaccessibility of areas of great potential value prohibits the successful use of such natural resources; that the construction, relocation, or repair of roads into such areas will increase resource development, thereby bringing even more natural resources into commercial use; that the relatively high costs of constructing, relocating, or repairing such roads prevents private interests from undertaking the development of such areas; that the cost to the state of constructing, relocating or repairing such roads would many times over be repaid by the increased revenues arising out of the resulting development and use of the natural resources; that the failure to so develop the many inaccessible areas within the state that are rich in natural resources is detrimental to the welfare and well-being of the people of Alaska by depriving them of the benefits to the economy of the state to be derived from the com-

mercial utilization of vast quantities of minerals, agricultural lands, forests, waters, and recreation sites which cannot be utilized because of the lack of access roads thereto.

It is hereby declared to be the purpose of this Act to facilitate the commercial utilization of the natural resources of this state by authorizing the expenditure of funds to construct, relocate, or repair as many miles of pioneering access roads as is possible into and within areas rich in natural resources or to mining prospects of commercial promise which are inaccessible to truck haulage. The pioneering access roads authorized by this Act are envisaged as being essentially low standard, rudimentary truck roads, not usually fit for passenger automobile use and not necessarily subject to repair, upkeep, or seasonal maintenance.

Sec. 2. Sec. 2, Ch. 47, SLA 1959 is amended to read as follows:

**Sec. 2. Appropriation Authorized.** There is hereby authorized an annual appropriation to the Department of Public Works, or its successor, for the purposes of this Act.

Sec. 3. Sec. 3, Ch. 47, SLA 1959 is amended to read as follows:

**Sec. 3. Commissioner of Natural Re-**