

**Extradition—Misdemeanor.**

A defendant accused of a misdemeanor committed in this State, he having afterwards left this jurisdiction, is subject to extradition.

William L. Bullock, Esq.,  
County Attorney,  
Conrad, Montana.

My dear Mr. Bullock:

I have your letter in which you ask whether defendants or proposed defendants in a misdemeanor case are subject to extradition.

Section 2 of Article 4 of the Constitution of the United States provides in part as follows:

“A person charged in any state with treason, felony, *or other crime*, who shall flee from justice, and be found in another state, shall, on demand of the executive authority

of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime."

Section 8108 of our statutes divides crimes into felonies and misdemeanors, and Section 8109, after defining a felony, states that "every other crime is a misdemeanor." Under these statutes it is evident that our Legislature regarded a misdemeanor as a crime.

In 19 Cyc., page 86, the constitutional provision above quoted is said to include misdemeanors. It is there said:

"The words of the constitution 'treason, felony or other crime' include every offense made punishable by the law of the state in which it was committed, from the highest to the lowest in the grade of offenses, *including misdemeanors and statutory crimes.*" (See 11, Ruling Case Law, page 739.)

Assuming then that the misdemeanor was committed within this State, and that the offender has since left this jurisdiction, it is my opinion that he is subject to extradition notwithstanding the fact that the crime is only a misdemeanor .

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.