

STATE OF MONTANA
Office of the Governor
Executive Order No. 8-82

CLERK OF COURT
AUG 18 1982
OF MONTANA

Executive Order Defining Procedures for Reimbursement of Claims for Expenses for Return of Fugitives to the State of Montana under the Uniform Criminal Extradition Act.

WHEREAS, Section 46-30-411, MCA, provides that expenses incurred by authorized agents of the State of Montana for returning fugitives from other states or foreign countries will be paid from the state treasury; and

WHEREAS, funds for this purpose are budgeted to the Department of Justice, approved by the Office of the Governor, and disbursed through the Department of Justice, Central Services Division; and

WHEREAS, no codified procedures have been established describing the reimbursement procedures to be followed:

NOW, therefore, I, Ted Schwinden, Governor of the State of Montana, by virtue of the authority vested in me by Article VI, Section 4 of the Constitution of the State of Montana and Sections 2-7-103 and 2-15-103, MCA, and Title 46, Chapter 30, MCA, do hereby repeal Executive Order No. 5-75 "Executive Order Defining Waiver Procedure for Return of Fugitives to the State of Montana under the Uniform Criminal Extradition Act" and hereby direct public officers seeking reimbursement to follow the procedures set forth below:

I. Procedures for Formal Extradition

1. The claim must be supported by the documentation required under Sections 2-18-501 to 2-18-503, MCA, and any governing state regulations.
2. The claim must be submitted on the appropriate state travel expense voucher form.
3. The claim must be accompanied by a copy of the Governor's Appointment of Agent and a certified return subscribed by the agent summarizing the facts surrounding the return of the fugitive.

4. The claim must be submitted for approval to the Governor's Office, directed to the attention of the Governor's Extradition Secretary.

5. If the expenses are authorized by law and reimbursable under Section 46-30-411, MCA, the Governor's Extradition Secretary will approve the claim and forward it to the Department of Justice, Central Services Division, for payment.

II. Procedures for Waivers

1. a. Counties seeking reimbursement for expenses incurred for a return of a fugitive pursuant to a Waiver of Extradition must notify the Governor's Extradition Secretary prior to the return through the submission of a Special Waiver Permission Request Form (SWPRF). Reimbursement will be allowed if the case is one in which the charge would support a formal extradition if the fugitive had not waived.

b. If it can be demonstrated that time is of the essence, verbal approval may be sought from the Governor's office. After verbal approval is given, a Special Waiver Permission Request Form (SWPRF) must be submitted to the Governor's office. Upon the Governor's receipt of the SWPRF, an Appointment of Agent will be issued, signed by the Governor and returned to the Sheriff's office.


2. a. As required by Section 46-30-411, MCA, claims for expenses must be submitted on the appropriate state form and supported by the documentation required under Sections 2-18-501 through 2-18-503, MCA, pertaining to travel, meals and lodging.

b. In addition, the following procedure for reimbursement must be followed whether permission was verbal or the waiver was submitted under 1 a. Before any travel expense claims will be processed, the following documents must be submitted to the Governor's office: the travel claim, a copy of the Appointment of Agent, the SWPRF, the executed Waiver of Extradition, and the certified return subscribed by the agent summarizing the facts surrounding the return of the fugitive.

3. If the expenses incurred are authorized by law and the return of the fugitive was approved under paragraph 1, the Governor's Extradition Secretary will approve the claim and forward it to the Department of Justice, Central Services Division, for payment.

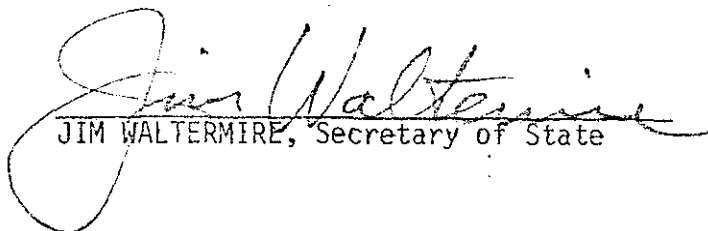
III. This order is effective immediately.

GIVEN under my hand and GREAT SEAL
of the State of Montana, this 12th
day of August in the year of our
Lord, One Thousand, Nine Hundred
Eighty-Two.



TED SCHWINDEN, Governor

ATTEST:



JIM WALTERMIRE, Secretary of State