

See Judiciary 3/25/87 De Bone 4/8/87 (p. 1166)

House File 513

JUDICIARY: Mann, Chair; Gentleman and Carr

MAR 13 1987

Place On Calendar

HOUSE FILE 513

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly House File 335) -

Passed House, Date 3-19-87 (p. 692) Passed Senate, Date 4-14-87 (p. 1230)

Vote: Ayes 93 Nays 0 Vote: Ayes 47 Nays 1

Approved April 27, 1987 (p. 1686)

A BILL FOR

1 An Act relating to interstate rendition of persons charged with  
2 failure to provide support.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 513

1 Section 1. NEW SECTION. 252A.24 INTERSTATE RENDITION.

2 The governor of this state may:

3 1. Demand of the governor of another state the surrender  
4 of a person found in that state who is charged in this state  
5 with failing to provide for the support of any person.

6 2. Surrender on demand by the governor of another state a  
7 person found in this state who is charged in that state with  
8 failing to provide for the support of any person. Provisions  
9 for extradition of criminals not inconsistent with this  
10 chapter apply to the demand even if the person whose surrender  
11 is demanded was not in the demanding state at the time of the  
12 commission of the act and has not fled therefrom. The demand,  
13 the oath, and any proceedings for extradition pursuant to this  
14 section need not state or show that the person whose surrender  
15 is demanded has fled from justice or at the time of the  
16 commission of the act was in the demanding state.

17 Sec. 2. NEW SECTION. 252A.25 CONDITIONS OF INTERSTATE  
18 RENDITION.

19 1. Before making the demand upon the governor of another  
20 state for the surrender of a person charged in this state with  
21 failing to provide for the support of a person, the governor  
22 of this state may require the department of human services or  
23 any county attorney of this state to satisfy the governor that  
24 at least sixty days prior thereto the obligee initiated  
25 proceedings for support under this chapter or that any  
26 proceeding would be of no avail.

27 2. If, under a substantially similar statute, the governor  
28 of another state makes a demand upon the governor of this  
29 state for the surrender of a person charged in that state with  
30 failure to provide for the support of a person, the governor  
31 may require any prosecuting attorney to investigate the demand  
32 and to report to the governor whether proceedings for support  
33 have been initiated or would be effective. If it appears to  
34 the governor that a proceeding would be effective but has not  
35 been initiated, the governor may delay honoring the demand for

1 a reasonable time to permit the initiation of a proceeding.  
2 3. If proceedings have been initiated and the person  
3 demanded has prevailed therein, the governor may decline to  
4 honor the demand. If the obligee prevailed and the person  
5 demanded is subject to a support order, the governor may  
6 decline to honor the demand if the person demanded is  
7 complying with the support order.

8 EXPLANATION

9 This bill adds to chapter 252A, the Uniform Support of  
10 Dependents Law, an interstate rendition provision whereby the  
11 governor of this state may (1) demand of the governor of  
12 another state the surrender of a person found in that state  
13 who is charged in this state with failing to provide support,  
14 and (2) surrender on demand by the governor of another state a  
15 person found in this state who is charged in that state with  
16 failing to provide support. Before making a demand or  
17 honoring a demand, the governor may seek to ensure that the  
18 obligee has first pursued a civil action against the obligor.  
19 Many URESA (Uniform Reciprocal Enforcement of Support Act)  
20 statutes contain a similar extradition provision.

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HOUSE FILE 513

AN ACT  
RELATING TO INTERSTATE RENDITION OF PERSONS CHARGED WITH FAILURE  
TO PROVIDE SUPPORT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 252A.24 INTERSTATE RENDITION.

The governor of this state may:

1. Demand of the governor of another state the surrender of a person found in that state who is charged in this state with failing to provide for the support of any person.
2. Surrender on demand by the governor of another state a person found in this state who is charged in that state with failing to provide for the support of any person. Provisions for extradition of criminals not inconsistent with this chapter apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the act and has not fled therefrom. The demand, the oath, and any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the act was in the demanding state.

Sec. 2. NEW SECTION. 252A.25 CONDITIONS OF INTERSTATE RENDITION.

1. Before making the demand upon the governor of another state for the surrender of a person charged in this state with failing to provide for the support of a person, the governor of this state may require the department of human services or any county attorney of this state to satisfy the governor that at least sixty days prior thereto the obligee initiated proceedings for support under this chapter or that any proceeding would be of no avail.

2. If, under a substantially similar statute, the governor of another state makes a demand upon the governor of this state for the surrender of a person charged in that state with

failure to provide for the support of a person, the governor may require any prosecuting attorney to investigate the demand and to report to the governor whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. If proceedings have been initiated and the person demanded has prevailed therein, the governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the governor may decline to honor the demand if the person demanded is complying with the support order.

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 513, Seventy-second General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 27, 1987

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TERRY E. BRANSTAD  
Governor

HF 513