

**CHAPTER 337**  
**UNIFORM ACT FOR THE EXTRADITION OF PERSONS OF**  
**UNSOUND MIND**

Section

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" **§337-1 Definitions.** Whenever used in this chapter:  
"Flight" and "fled" mean any voluntary or involuntary departure from the jurisdiction of the court where the proceedings hereinafter mentioned may have been instituted and are still pending, with the effect of avoiding, impeding, or delaying, the action of the court in which the proceedings may have been instituted or be pending, or any such departure from the state where the person demanded then was, if the person then was under detention by law as a person of unsound mind and subject to detention.

"State" includes states, territories, districts, and insular and other possessions of the United States.

As applied to a request to return any person within the purview of this chapter to or from the District of Columbia, the words "executive authority", "governor", and "chief magistrate", respectively, include a justice of the supreme court of the District of Columbia and other authority. [L 1927, c 214, §2; RL 1935, §1020; RL 1945, §3831; RL 1955, §85-1; HRS §337-1; gen ch 1985]

#### **Cross References**

Interstate compact on mental health, see chapter 335.

" **§337-2 Persons subject to the chapter.** A person alleged to be of unsound mind found in the State, who has fled from another state, in which at the time of the person's flight:

- (1) The person was under detention by law in a hospital, asylum, or other institution for the insane as a person of unsound mind; or
- (2) The person had been theretofore determined by legal proceedings to be of unsound mind, the finding being unreversed and in full force and effect, and the control of one's person having been acquired by a court of competent jurisdiction of the state from which the person fled; or
- (3) The person was subject to detention in such state, being then the person's legal domicile, personal service of process having been made, based on legal proceedings there pending to have the person declared of unsound mind,

shall, on demand of the executive authority of the state from which the person fled, be delivered up to be removed thereto. [L 1927, c 214, §3; RL 1935, §1021; RL 1945, §3832; RL 1955, §85-2; HRS §337-2; gen ch 1985]

" **§337-3 Procedure.** Whenever the executive authority of any state demands of the executive authority of the State any fugitive within the purview of section 337-2 and produces a copy of the commitment, decree, or other judicial process and proceedings, certified as authentic by the governor or chief magistrate of the state whence the person so charged has fled, with an affidavit made before a proper officer showing the person to be such a fugitive, it shall be the duty of the executive authority of the State to cause the fugitive to be apprehended and secured, if found in the State and to cause immediate notice of the apprehension to be given to the executive authority making the demand, or to the agent of the authority appointed to receive the fugitive, and to cause the fugitive to be delivered to the agent when the agent shall appear. If no such agent appears within thirty days from the time of the apprehension, the fugitive may be discharged. All costs and expenses incurred in the apprehending, securing, maintaining, and transmitting the fugitive to the state making the demand shall be paid by such state. Any agent so appointed who receives the fugitive into the agent's custody shall be empowered to transmit the fugitive to the state from which the fugitive has fled. The executive authority of the State is vested with the power, on the application of any person interested, to demand the return to the State of any fugitive within the purview of this chapter. [L 1927, c 214, §4; RL 1935, §1022; RL 1945, §3833; RL 1955, §85-3; HRS §337-3; gen ch 1985]

" **§337-4 Limitation.** Any proceedings under this chapter shall be begun within one year after the flight referred to in this chapter. [L 1927, c 214, §5; RL 1935, §1023; RL 1945, §3834; RL 1955, §85-4; HRS §337-4]