

December 2, 1942

Hon. Seth F.H. Howes, M.D., Superintendent
Arizona State Hospital
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Sir:

Receipt is acknowledged of your letter of November 27th which reads in part as follows:

"I have been asked by the Hospital Board to ascertain if persons under court commitment to the Arizona State Hospital, as insane, who, through escape or otherwise, have made their way to other states are subject to extradition to Arizona.

"Ordinarily, such a person, if committed to a hospital in the state in which he is temporarily in residence, may readily be returned to the Arizona State Hospital, on the basis of a reciprocal agreement, which agreements exist with most other states.

"The Board is interested in those cases in which commitment in the foreign state has not taken place."

In our opinion extradition may not be made of persons under commitment to the Arizona State Hospital who, through escape, or otherwise, have made their way to some foreign state and have not as yet been committed by such State. The exception to the rule would be when such person is charged with or has been convicted of a felony in this State. If the latter does not exist, it would appear proper to request the State in which the insane person is found, to make proper commitment in order that the reciprocal agreement might be invoked.

Respectfully,

JOE CONWAY
Attorney General

EARL ANDERSON
Special Assistant
Attorney General

CECIL A. EDWARDS
Assistant Attorney General