

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1890

H.P. 1356

House of Representatives, December 24, 2019

**An Act To Improve Prisoner Transport Safety by Specifically
Authorizing Transport of Prisoners by Transport Officers**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 20, 2019. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FARNSWORTH of Portland.
Cosponsored by Senator SANBORN, H. of Cumberland and
Representatives: BRENNAN of Portland, CRAVEN of Lewiston, INGWERSEN of Arundel,
KESCHL of Belgrade, McCREA of Fort Fairfield, NADEAU of Winslow, PEBWORTH of
Blue Hill, Senator: CHIPMAN of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 14 MRSA §5545**, as amended by PL 2015, c. 335, §5, is further amended
3 to read:

4 **§5545. Habeas corpus for prisoner as witness**

5 A court may issue a writ of habeas corpus, when necessary, to bring before it a
6 prisoner for trial in a cause pending in such court, or to testify as a witness when ~~his~~ the
7 prisoner's personal attendance is ~~deemed~~ determined necessary for the attainment of
8 justice.

9 Whenever, under this section or under any other section in this chapter, a court issues
10 a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional
11 institution under the control of the Department of Corrections, or confined in any county
12 jail, its order as to the transportation of the prisoner to and from the court must be
13 directed to the sheriff of the county in which the court is located. It is the responsibility
14 of the sheriff or any one or more of the sheriff's authorized deputies or transport officers
15 pursuant to any such order to safely transport a prisoner to and from the court and to
16 provide safe and secure custody of the prisoner during the proceedings, as directed by the
17 court. At the time of removal of a prisoner from an institution, the transporting officer
18 shall leave with the head of the institution an attested copy of the order of the court, and
19 upon return of the prisoner shall note that return on the copy.

20 Any prisoner who escapes from custody of the sheriff or any of ~~his~~ the sheriff's
21 deputies, transport officers or any other law enforcement officer following removal for
22 appearance in court, from a penal or correctional institution or from a county jail, and
23 prior to return ~~thereto, shall be~~ is chargeable with escape from the penal or correctional
24 institution or county jail from which ~~he~~ the prisoner was removed, and ~~shall~~ must be
25 punished in accordance with Title 17-A, section 755.

26 For purposes of this section, "transport officer" has the same meaning as in Title 25,
27 section 2801-A, subsection 8.

28 **SUMMARY**

29 This bill amends the civil procedure laws governing the transporting of prisoners to
30 specifically authorize the transport of a prisoner by transport officers when a court has
31 issued a writ of habeas corpus requiring that prisoner to be brought before the court.