

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 6

S.P. 16

In Senate, January 5, 1993

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by Representative PARADIS of Augusta and Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-THREE

An Act Regarding Arrest Warrants.



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

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Sec. 1. 14 MRSA §5532, first ¶, as repealed and replaced by PL 1987, c. 639, is amended to read:

An officer forfeits \$200 to a prisoner if the officer refuses or neglects, within the time period provided in subsection 1 ~~er~~-2, to deliver a true and attested copy of the warrant or process by which the officer detains a prisoner to any person who demands it and tenders the fee for the copy.

Sec. 2. 14 MRSA §5532, sub-§2, as amended by PL 1991, c. 402, §1, is repealed.

STATEMENT OF FACT

This bill repeals the law that provides that an officer forfeit \$200 to an unsentenced prisoner if the officer fails or neglects to provide a copy of the arrest warrant within 4 hours of the prisoner's demand.

Public Law 1991, chapter 402 established new procedures for the execution and administration of arrest warrants. Under these procedures there is a central warrant repository within each prosecutorial and court district that maintains possession and control of the attested copy of any arrest warrant issued because of these recent changes in procedure, the 4-hour rule, as found in the Maine Revised Statutes, Title 14, section 5532, subsection 2, is no longer consistent with existing practice. A person who is arrested pursuant to an arrest warrant is taken promptly before a magistrate and generally has the right to have bail set and request a copy of the warrant directly from the court, which maintains the original of the warrant.