

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 534

S. P. 328

In Senate, Feb. 8, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Murchie of Washington.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT to Amend the Uniform Criminal Extradition Act.

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

Section 1. R. S. c. 150, § 5, amended. Section 5 of chapter 150 of the revised statutes is hereby amended to read as follows:

'Sec. 5. Condition under which warrant for extradition may be issued. A warrant of extradition must not be issued unless the documents presented by the executive authority making the demand show that **except in cases arising under section 6**, the accused was present in the demanding state at the time of the commission of the alleged crime, and ~~that he~~ thereafter fled from ~~that~~ the state, ~~and the accused~~ is now in this state, and ~~that~~ he is lawfully charged by indictment found or by ~~an~~ information filed by a prosecuting officer and supported by affidavit to the facts, or by affidavit made before a magistrate in that state, with having committed a crime under the laws of that state, or that he has been convicted of a crime in that state and has escaped from confinement or broken his parole.'

Sec. 2. R. S. c. 150, § 6, amended. Section 6 of chapter 150 of the revised statutes is hereby amended to read as follows:

'Sec. 6. Person may be surrendered for act in this state intentionally resulting in crime in another state. The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged ~~on indictment found~~ in such other state **in the manner**

provided in section 5 with committing an act in this state, or in a third state intentionally resulting in a crime in ~~such other the state~~ whose executive authority is making the demand; and the provisions of this act not otherwise inconsistent shall apply to such cases, notwithstanding that the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.'

Sec. 3. R. S. c. 150, § 11, amended. Section 11 of chapter 150 of the revised statutes is hereby amended to read as follows:

'**Sec. 11. Penalty for disobedience of § 10.** Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant in disobedience of the last section shall be **guilty of a misdemeanor, and on conviction shall be punished by a fine of** ~~not more than one thousand dollars, or by imprisonment for~~ **be imprisoned** not more than six months, or by both. ~~such fine and imprisonment.'~~

Sec. 4. R. S. c. 150, § 13, amended. Section 13 of chapter 150 of the revised statutes is hereby amended to read as follows:

'**Sec. 13. When person charged with being a fugitive, judge or magistrate may issue warrant for his arrest.** Whenever any person within this state shall be charged on the oath of any credible person before any judge or other magistrate of this state with the commission of ~~any~~ a crime in any other state and **except in cases arising under section 6**, with having fled from justice; or whenever complaint shall have been made before any judge or other magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime and **except in cases arising under section 6**, has fled therefrom and is believed to have been found in this state, the judge or magistrate shall issue a warrant directed to the sheriff of the county in which the oath or complaint is filed directing him to apprehend the person charged, wherever he may be found in this state, and bring him before the same or any other judge, court, or magistrate who may be convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.'

Sec. 5. R. S. c. 150, § 14, amended. Section 14 of chapter 150 of the revised statutes is hereby amended to read as follows:

'**Sec. 14. Arrest may be made without warrant if person charged with crime punishable by death or life imprisonment; hearing to be held.** The arrest of a person may be lawfully made also by an officer or a private citi-

zen without a warrant upon reasonable information that the accused stands charged **in the courts of another state** with a crime punishable by death or life imprisonment **for a term exceeding one year in the courts of another state**; but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the last section; and thereafter his answer shall be heard as if he had been arrested on a warrant.'