

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 452

S. P. 285

In Senate, February 10, 1943.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Sanborn of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Authorizing Intra-state Fresh Pursuit of Criminals.

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

Sec. 1. Authority to arrest and hold in custody. Any peace officer of this state in fresh pursuit of a person who is reasonably believed by him to have committed a felony in this state or has committed, or attempted to commit, any criminal offense in this state in the presence of such officer, or for whom such officer holds a warrant of arrest for a criminal offense, shall have authority to arrest and hold in custody such person anywhere in this state.

Sec. 2. Disposition of prisoner. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be as in other cases of arrest under a warrant; if the arrest is without a warrant, the prisoner shall without unnecessary delay be taken before a municipal court or a trial justice of the county wherein such an arrest was made, and such court or justice shall admit such person to bail, if the offense is bailable, by taking security by way of recognizance for the appearance of such prisoner before the court having jurisdiction of such criminal offense.

Sec. 3. "Fresh pursuit", defined. The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law and also

the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit any criminal offense in this state in the presence of the arresting officer referred to in section 1 of this act or for whom such officer holds a warrant of arrest for a criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Sec. 4. Application of certain provisions. Section 1 of this act shall not make unlawful an arrest which would otherwise be lawful.

Sec. 5. Title of act. This act may be cited as the "Uniform Act on Intra-state Fresh Pursuit."