

§210. Rights of accused person; habeas corpus

A person arrested upon a Governor's warrant may not be delivered over to the agent whom the executive authority demanding the person has appointed to receive the person, unless the person is first taken before a judge of a court of record in this State, who shall inform the person of the demand made for the person's surrender and of the crime with which the person is charged and that the person has the right to demand and procure legal counsel. If the prisoner or the prisoner's counsel states that the prisoner may or will contest extradition, the judge shall fix a reasonable time, not to exceed 7 days, to allow the person to file a petition contesting extradition. The petition must be filed in District Court and state the grounds upon which extradition is contested. When the petition is filed, notice of it and of the time and place of hearing must be given to the prosecuting attorney of the county in which the arrest is made and in which the accused is in custody, to the Attorney General and to the agent of the demanding state. [PL 1997, c. 181, §1 (AMD).]

A person arrested upon the warrant of the Governor may not be admitted to bail, except as provided as follows: If a petition contesting extradition is granted and the order is appealed by the State to the Supreme Judicial Court sitting as the Law Court, the petitioner may be admitted to bail, in the discretion of the presiding judge, pending that appeal. If the appeal is sustained, the petitioner must be immediately placed in custody without bail to await delivery to the agent of the demanding state. [PL 1997, c. 181, §1 (AMD).]

1.

[PL 1983, c. 843, §5 (RP).]

2.

[PL 1983, c. 843, §5 (RP).]

3.

[PL 1983, c. 843, §6 (RP).]

SECTION HISTORY

PL 1977, c. 671, §9 (RPR). PL 1979, c. 274, §§2,3 (AMD). PL 1979, c. 701, §§3-5 (AMD). PL 1983, c. 843, §§4-6 (AMD). PL 1997, c. 181, §1 (AMD).

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