

§223. Application for issuance of requisition

1. Person charged with crime. When it is required to return to this State a person charged with a crime in this State, the prosecuting attorney shall present to the Governor a written application for a requisition for the return of the person charged. The application must state:

- A. The name of the person charged; [PL 1977, c. 671, §18 (RPR).]
- B. The crime with which the person is charged; [RR 2023, c. 2, Pt. D, §29 (COR).]
- C. The approximate time, place and circumstances of the commission of the crime under paragraph B; and [RR 2023, c. 2, Pt. D, §29 (COR).]
- D. The state in which the accused is believed to be, including the accused's location therein at the time the application is made. [RR 2023, c. 2, Pt. D, §29 (COR).]

The prosecuting attorney shall certify in the application that in the prosecuting attorney's opinion the ends of justice require the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

[RR 2023, c. 2, Pt. D, §29 (COR).]

2. Person convicted of a crime. When it is required to return to this State a person who has been convicted of a crime in this State and who has escaped from confinement or broken the terms of the person's bail, probation or parole, the prosecuting attorney, the State Parole Board, the warden of the institution or the sheriff of the county from which the escape was made shall present to the Governor a written application for a requisition for the return of that person. The application must state:

- A. The name of the person; [PL 1977, c. 671, §18 (RPR).]
- B. The crime of which the person was convicted; [RR 2023, c. 2, Pt. D, §30 (COR).]
- C. The circumstances of the person's escape from confinement or of the breach of the terms of the person's bail, probation or parole; and [RR 2023, c. 2, Pt. D, §30 (COR).]
- D. The state in which the person is believed to be, including the person's location therein at the time the application is made. [RR 2023, c. 2, Pt. D, §30 (COR).]

[RR 2023, c. 2, Pt. D, §30 (COR).]

3. Verification; filing. The application must be verified by affidavit, executed in duplicate and accompanied by 2 certified copies of:

- A. The indictment return; [PL 1977, c. 671, §18 (RPR).]
- B. The information filed or the complaint made to the judge or magistrate stating the offense with which the accused is charged, together with the affidavit in support of the information or complaint; or [PL 1977, c. 671, §18 (RPR).]
- C. The judgment of conviction. [PL 1977, c. 671, §18 (RPR).]

The prosecuting attorney, State Parole Board, warden or sheriff may attach any further affidavits and other documents that the prosecuting attorney, State Parole Board, warden or sheriff considers proper to be submitted with the application, including affidavits with attached photographs or fingerprints that serve to establish that the person named and shown therein is the person for whom a requisition is sought. One copy of the application with the action of the Governor indicated thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction, or of the sentence must be filed in the office of the Secretary of State to remain of record in that office. The other copies of all papers must be forwarded with the Governor's requisition.

[RR 2023, c. 2, Pt. D, §31 (COR).]

4. Prosecuting attorney; defined. As used in this section, the term "prosecuting attorney" means:

A. The district attorney or the deputy district attorney of the county in which the offense was committed; or [PL 1977, c. 671, §18 (NEW).]

B. The Attorney General or a Deputy Attorney General. [PL 1977, c. 671, §18 (NEW).]
[PL 1979, c. 663, §90 (AMD).]

SECTION HISTORY

PL 1971, c. 622, §§57,58 (AMD). PL 1977, c. 671, §18 (RPR). PL 1979, c. 663, §90 (AMD).
RR 2023, c. 2, Pt. D, §§29-31 (COR).

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