CHAPTER 100

WARRANTS

§651. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

1. Affidavit warrant. "Affidavit warrant" means a warrant issued in response to a properly sworn charging instrument or affidavit, or both, based on probable cause to believe that an individual has committed a crime.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

2. Alias name. "Alias name" means an alternative name, a pseudonym or a placeholder name.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

3. Alternative name. "Alternative name" means a name used by an individual instead of or in addition to the individual's legal name.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

4. Bench warrant. "Bench warrant" means an arrest warrant issued by an authorized judicial officer that directs a law enforcement officer to seize or detain an individual and includes the following types of arrest warrants:

A. An affidavit warrant; [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

B. A contempt warrant; [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

C. An FTP warrant; [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

D. An FTA warrant; [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

E. A juvenile warrant; and [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

F. A probation violation warrant. [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

5. Contempt warrant. "Contempt warrant" means a bench warrant issued by a judicial order:

A. For failure of an individual to appear for a contempt hearing pursuant to the Maine Rules of Civil Procedure, Rule 66(c)(2)(E) or Rule 66(d)(2)(E); or [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

B. For failure of a contemnor to comply with a contempt order pursuant to the Maine Rules of Civil Procedure, Rule 66(c)(3) or Rule 66(d)(3)(A). [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

6. Digital signature. "Digital signature" has the same meaning as in Title 10, section 9502, subsection 1.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

7. Electronic signature. "Electronic signature" has the same meaning as in Title 10, section 9402, subsection 8.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

8. FTA warrant. "FTA warrant" means a bench warrant issued for failure of an individual to appear in court as required by a criminal summons or other court order requiring an individual to appear for a court hearing.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

9. FTP warrant. "FTP warrant" means a bench warrant issued for failure of an individual to pay a fine, as described in Title 14, section 3141, as ordered by the issuing court.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

10. Juvenile warrant. "Juvenile warrant" means a bench warrant issued in order to detain a juvenile pursuant to section 3202.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

11. Local entering agency. "Local entering agency" means a local law enforcement agency designated by the district attorney within a prosecutorial district, with the approval of the Chief Judge of the District Court.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

12. Maine telecommunications and routing operations system. "Maine telecommunications and routing operations system" means the interagency communications system maintained and operated by the Maine State Police.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

13. Maine State Police wanted database. "Maine State Police wanted database" means the database of warrants and other information maintained by the Maine State Police.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

14. Other judicial warrant. "Other judicial warrant" means a warrant, other than a bench warrant, issued by the Supreme Judicial Court, Superior Court, District Court or Probate Court, pursuant to statute or common law, including, but not limited to, civil orders of arrest and warrants for failure to respond to a subpoena or for jury duty.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

15. Placeholder name. "Placeholder name" means a nonspecific name, such as "Unknown," that is assigned by law enforcement officials to an individual whose legal name is not known to law enforcement officials.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

16. Probation violation warrant. "Probation violation warrant" means a bench warrant issued by a judicial officer in response to a motion to revoke the probation or supervised release of an individual, requested by a probation officer or prosecutor.
[PL 2013, c. 133, §1 (AMD).]

17. Pseudonym. "Pseudonym" means a fictitious name, such as "John Doe," that is assigned by law enforcement officials to an individual whose legal name is not known to law enforcement officials.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

18. Statewide warrant management system. "Statewide warrant management system" means the integrated electronic system that consists of the Maine State Police wanted database, the Maine telecommunications and routing operations system and the warrant docket management system.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

19. Warrant docket management system. "Warrant docket management system" means the system maintained by the Administrative Office of the Courts to manage the generation, storage, retention and recall of electronic arrest warrants issued by the courts.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

SECTION HISTORY

PL 2011, c. 214, §2 (NEW). PL 2011, c. 214, §6 (AFF). PL 2013, c. 133, §1 (AMD).

§652. Exclusions

This chapter does not apply to: [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

1. Extradition warrants. Warrants issued by the Governor pursuant to the United States Constitution and the Uniform Criminal Extradition Act for the extradition of fugitives from justice, except that the provisions requiring law enforcement officers to be responsible for the execution of warrants are fully applicable to a Governor's warrant;
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

2. Other judicial warrants. Other judicial warrants that are generated, maintained and recalled by the individual issuing court and are not maintained in the Maine State Police wanted database. Notwithstanding any provision of this chapter, other judicial warrants retain their full force and effect;
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

3. Civil orders of arrest. Civil orders of arrest issued pursuant to Title 14, section 3135;
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

4. Corrections warrants. Warrants issued by the Department of Corrections for violations of parole, probation or supervised release or for escape or failure to report;
[PL 2013, c. 133, §2 (AMD).]

5. Nonjudicial warrants. Warrants issued by other authorities, including but not limited to federal courts and agencies and tribal courts; and
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

6. Search warrants. Warrants issued pursuant to section 55 and the Maine Rules of Unified Criminal Procedure, Rules 41, 41B, 41C and 111 and administrative inspection warrants issued pursuant to the Maine Rules of Civil Procedure, Rule 80E.
[PL 2015, c. 431, §7 (AMD).]

SECTION HISTORY

PL 2011, c. 214, §2 (NEW). PL 2011, c. 214, §6 (AFF). PL 2013, c. 133, §2 (AMD). PL 2015, c. 431, §7 (AMD).

§653. Statewide warrant management system

1. Warrant docket management system. The Administrative Office of the Courts shall establish a warrant docket management system for the generation, storage, retention and recall of all electronic arrest warrants issued by the courts. When a bench warrant is issued by a court, the warrant must be electronically directed to the warrant docket management system.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

2. Central warrant administration. The Maine State Police shall administer a central system for the management, enforcement and execution of warrants. The Maine State Police must have continuous electronic interface with the warrant docket management system, the Maine State Police wanted database, the Maine telecommunications and routing operations system and the National Crime Information Center. The Maine State Police shall coordinate with all law enforcement agencies to ensure the prompt communication of all warrant information through the National Crime Information Center and the Maine telecommunications and routing operations system. The Maine State Police shall post information to the warrant docket management system concerning the status and execution of all arrest warrants.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

3. Validation. The Maine State Police shall manage the mandated validation process for warrants sent to the National Crime Information Center.

[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

4. Monitor management. The Maine State Police shall monitor the management of entry and removal of warrant information in the Maine State Police wanted database, and shall exchange data with the warrant docket management system, or other pertinent databases, as required.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

5. Structured plan. The Maine State Police shall develop a structured bench warrant management plan designed to maximize the execution of outstanding arrest warrants and to identify appropriate bench warrants to be removed from pertinent databases.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

SECTION HISTORY

PL 2011, c. 214, §2 (NEW). PL 2011, c. 214, §6 (AFF).

§654. Warrants

1. Form of warrant. A bench warrant and a return of service must each be maintained and transmitted in electronic form unless the statewide warrant management system is unavailable or other exigent circumstances prevent such electronic maintenance or transmittal, in which case a paper warrant may be issued and entered into the warrant docket management system as soon as practicable. An electronic warrant with a digital signature or an electronic signature is of equal validity as a manually signed paper warrant issued pursuant to former chapter 99 and has the full force and effect of law.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

2. Warrant electronically available. A certified electronic warrant must be maintained in the warrant docket management system and its details and status must be available at all times to the Maine State Police, which shall make that information available to local law enforcement agencies through the Maine telecommunications and routing operations system. The certified electronic warrant must include an electronic signature or digital signature, and may include a digital watermark or such other security features as the Administrative Office of the Courts determines necessary to verify the warrant's authenticity.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

3. Content of warrant. A bench warrant must contain:

A. The subject's name or alias name; [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

B. The subject's date of birth, if known; [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

C. At least one identified charge; [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

D. An indication if any pending charge is a domestic violence crime; and [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

E. Available information concerning the identity and location of the subject sufficient to meet the minimum requirements established by the Maine telecommunications and routing operations system and the National Crime Information Center. [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

The bench warrant may contain photographs of the subject, a description of any distinguishing physical characteristics and other information that will aid in the location of the subject and the execution of the warrant. A bench warrant is not rendered invalid because of technical noncompliance with this section.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

4. National Crime Information Center. A bench warrant may not be entered in the National Crime Information Center database without authorization from the Attorney General or designee of the Attorney General or a district attorney or designee of the district attorney, except that the Department

of Corrections may enter a bench warrant for a violation of parole or probation or for escape. The authorizing entity shall specify appropriate geographic limitations, if any, on extradition, which are subject to change, at the time the bench warrant is executed.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

5. Clerical errors. A clerical error in a bench warrant must ordinarily be corrected by the issuance of a replacement warrant by the issuing court or agency, but may be corrected by an authorized judicial officer upon an ex parte application in exigent circumstances.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

6. Removal from database. When a bench warrant is recalled by the issuing court, the court shall maintain a record of the recall and the bench warrant must be immediately removed from the warrant docket management system and the Maine State Police wanted database. When a bench warrant is executed, the law enforcement agency must make an electronic return of service immediately upon verification that the served individual is the subject of the bench warrant. Once a return of service has been received, the bench warrant must be removed from the Maine State Police wanted database.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

SECTION HISTORY

PL 2011, c. 214, §2 (NEW). PL 2011, c. 214, §6 (AFF).

§655. Local entering agency

1. Authority. The district attorney for each prosecutorial district, with the approval of the Chief Judge of the District Court, shall designate one or more local entering agencies for each prosecutorial district.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

2. Standards. Each local entering agency must have the capability and willingness to accept the burden and responsibility of warrant management as a full and equal element of its sworn public duty and must meet standards established by the Maine telecommunications and routing operations system and the National Crime Information Center.
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

SECTION HISTORY

PL 2011, c. 214, §2 (NEW). PL 2011, c. 214, §6 (AFF).

§656. Responsibilities of law enforcement agencies

Each law enforcement agency shall adopt policies to comply with this chapter. Local policies must ensure that all bench warrants are served and returns of service entered as required by section 654. [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

SECTION HISTORY

PL 2011, c. 214, §2 (NEW). PL 2011, c. 214, §6 (AFF).

§657. Responsibilities of courts

The courts are responsible for: [PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

1. Complete information. Maintaining bench warrants with information that is as complete as possible and that maximizes the likelihood that the bench warrants will be successfully executed;
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

2. Single transmission. Transmitting only one set of data for each instance of a bench warrant's issuance and maintaining an audit record of each transmission; and
[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

3. Recall notice. Immediately transmitting an electronic notice of recall to the Maine State Police when a bench warrant is recalled.

[PL 2011, c. 214, §2 (NEW); PL 2011, c. 214, §6 (AFF).]

SECTION HISTORY

PL 2011, c. 214, §2 (NEW). PL 2011, c. 214, §6 (AFF).

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