

§5545. Habeas corpus for prisoner as witness

A court may issue a writ of habeas corpus, when necessary, to bring before it a prisoner for trial in a cause pending in such court, or to testify as a witness when the prisoner's personal attendance is determined necessary for the attainment of justice. [PL 2025, c. 429, §1 (AMD).]

Whenever, under this section or under any other section in this chapter, a court issues a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional institution under the control of the Department of Corrections, or confined in any jail, its order as to the transportation of the prisoner to and from the court must be directed to the sheriff of the county in which the court is located. It is the responsibility of the sheriff or any one or more of the sheriff's authorized deputies, transport officers or corrections officers pursuant to any such order to safely transport a prisoner to and from the court and to provide safe and secure custody of the prisoner during the proceedings, as directed by the court. At the time of removal of a prisoner from an institution, the transporting officer shall leave with the head of the institution an attested copy of the order of the court, and upon return of the prisoner shall note that return on the copy. [PL 2025, c. 429, §1 (AMD).]

Any prisoner who escapes from custody of the sheriff or any of the sheriff's deputies, transport officers or corrections officers or any other law enforcement officer following removal for appearance in court, from a penal or correctional institution or from a jail, and prior to return, is chargeable with escape from the penal or correctional institution or jail from which the prisoner was removed, and is subject to punishment in accordance with Title 17-A, section 755. [PL 2025, c. 429, §1 (AMD).]

For purposes of this section, "corrections officer" has the same meaning as in Title 25, section 2801-A, subsection 2; and "transport officer" has the same meaning as in Title 25, section 2801-A, subsection 8. [PL 2025, c. 429, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 71 (AMD). PL 1971, c. 224 (AMD). PL 1975, c. 740, §1-A (AMD). PL 1989, c. 722, §4 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1999, c. 583, §1 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 653, Pt. A, §4 (AMD). PL 2015, c. 335, §5 (AMD). PL 2025, c. 429, §1 (AMD).

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