

§1855. Commencement of administrative release revocation proceeding

1. Motion to revoke administrative release. If during the period of administrative release the attorney for the State has probable cause to believe that the person placed on administrative release has violated a requirement of administrative release, the attorney for the State may file a motion with the court seeking to revoke administrative release. The motion must set forth the facts underlying the alleged violation.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Summons. A summons may be used to order a person who was placed on administrative release to appear on a motion to revoke that person's administrative release.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Initial appearance. A person placed on administrative release appearing on a motion to revoke administrative release pursuant to a summons must be afforded an initial appearance as provided in section 1811, subsection 4.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Failure to appear following service of summons. If a person placed on administrative release fails to appear in court after having been served with a summons, the court may issue a warrant for the arrest of the person. After arrest of the person, the court shall afford the person an initial appearance as provided in section 1811, subsection 4; if the person is retained in custody, section 1811, subsection 3 also applies.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Arrest of person for violation of requirement of administrative release; copy of motion to be furnished; timing of initial appearance. If during the period of administrative release the attorney for the State has probable cause to believe that the person placed on administrative release has violated a requirement of administrative release, the attorney for the State may apply for a warrant for the arrest of the person or request that a warrantless arrest be made of the person pursuant to section 15, subsection 1, paragraph A, subparagraph (15). The court shall provide the person with an initial appearance on the revocation of administrative release within 5 days after arrest unless the person is released before that. A copy of the motion must be furnished to the person prior to or at the initial appearance. The initial appearance is governed by section 1811, subsection 4. Bail is governed by section 1811, subsections 5 and 6.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

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