

## §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).

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