

proposed for deletion as unnecessary and confusing. Rule Z45 provides that "the writ shall be ... returnable before the judge granting it or in his discretion before some other judge or court designated in the writ..." (emphasis supplied) Rule Z49 provides that "if the judge designated in the writ is unavailable when the person confined or restrained is produced, such person shall be produced before another judge of the same circuit..."

It all indicates that a judge who issued the writ is not necessarily the presiding judge at the habeas corpus hearing. In addition, Rule Z45 clearly indicates that a judge who issued the writ may designate that the writ is returnable before some other court. (emphasis supplied).

In subsection (d), the provisions dealing with procedure when the person is admitted to bail are completely revised because of the archaic style in which the provisions are presented.

SEC. 3-705. PERSONS DISCHARGED NOT TO BE IMPRISONED FOR SAME OFFENSE.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B), A PERSON WHO HAS BEEN RELEASED ON HABEAS CORPUS MAY NOT BE IMPRISONED OR COMMITTED IN CONNECTION WITH THE SAME OFFENSE.

(B) EXCEPTION.

A PERSON WHO HAS BEEN RELEASED ON HABEAS CORPUS MAY BE IMPRISONED OR COMMITTED IN CONNECTION WITH THE SAME OFFENSE.

(1) BY ORDER OF THE COURT FOR VIOLATION OF THE TERMS OF HIS RELEASE;

(2) BY ORDER OF ANY COURT HAVING JURISDICTION OVER THE CASE;

(3) UPON SURRENDER BY HIS BONDSMAN; OR

(4) UPON HIS CONVICTION.