

ANY OFFICER WHO NEGLECTS OR REFUSES TO BRING A DETAINED PERSON INTO COURT WHEN A WRIT OF HABEAS CORPUS COMMANDS IT SHALL FORFEIT \$500 TO THE PERSON DETAINED.

(B) JUDGMENT AGAINST SHERIFF.

ON MOTION OF THE STATE'S ATTORNEY THE COURT MAY ORDER JUDGMENT TO BE ENTERED AGAINST THE SHERIFF IN THE AMOUNT OF THE AMERCEMENT, OR IN THE AMOUNT OF THE PENALTY OR JUDGMENT AND COSTS ENTERED AGAINST THE PERSON WHO FAILED TO APPEAR.

REVISOR'S NOTE: Subsection (a) is new language derived from Art. 42, §§ 11 and 12. The section is apparently intended to provide compensation for a person who is denied a hearing on a writ of habeas corpus. The section duplicates Art. 42, §11, however, §12 is somewhat broader as it applies to all officers. It is not clear why §11 was originally passed in 1819, since §12 was already law. Sections 11 and 12 are proposed for repeal.

Subsection (b) is new language derived from Art. 87, §8 which is proposed for repeal.

SEC. 2-306. SHERIFF'S RIGHT OF SUBROGATION.

IF A SHERIFF PAYS THE PLAINTIFF AN AMOUNT ORDERED BY THE COURT AS AN AMERCEMENT, HE IS ENTITLED TO THE FULL BENEFIT OF THE CAUSE OF ACTION OR JUDGMENT AND MAY PROCEED AGAINST THE DEFENDANT IN ANY MANNER THE PLAINTIFF MIGHT HAVE PROCEEDED.

REVISOR'S NOTE: This section is new language derived from Art. 87, §13.

SEC. 2-307. BOOKS AND RECORDS OF SHERIFF.

A SHERIFF SHALL KEEP AN OFFICIAL RECORD OF THE FEES AND CHARGES HE COLLECTS AND THOSE WHICH REMAIN TO BE COLLECTED. THE OFFICIAL RECORD SHALL REMAIN IN THE SHERIFF'S OFFICE AFTER THE EXPIRATION OF A SHERIFF'S TERM AND MAY BE AUDITED BY THE COUNTY GOVERNMENT.

REVISOR'S NOTE: This section is new language derived from Art. 87, §39. This section is similar to Art. 87, §36. Both are proposed for repeal.