

Defined term: "Person" § 1-101

9-110. RIGHTS OF ACCUSED PERSON; APPLICATION FOR WRIT OF HABEAS CORPUS.

(A) RIGHTS OF ACCUSED.

(1) A PERSON ARRESTED UPON A WARRANT ISSUED UNDER § 9-107 OF THIS TITLE MAY NOT BE DELIVERED OVER TO THE AGENT WHOM THE EXECUTIVE AUTHORITY DEMANDING THE PERSON HAS APPOINTED TO RECEIVE THE PERSON UNLESS THE PERSON IS FIRST TAKEN FORTHWITH BEFORE A JUDGE OF A COURT OF RECORD IN THIS STATE, WHO SHALL INFORM THE PERSON:

(I) OF THE DEMAND MADE FOR SURRENDER;

(II) OF THE CRIME CHARGED; AND

(III) OF THE RIGHT TO DEMAND AND PROCURE LEGAL COUNSEL.

(2) IF THE PERSON ARRESTED OR THE PERSON'S COUNSEL SHALL STATE A DESIRE TO TEST THE LEGALITY OF THE ARREST, THE JUDGE SHALL FIX A REASONABLE TIME WITHIN WHICH THE PERSON CAN APPLY FOR A WRIT OF HABEAS CORPUS.

(B) NOTICE OF HEARING.

WHEN THE WRIT IS APPLIED FOR, NOTICE THEREOF AND OF THE TIME AND PLACE OF HEARING THEREON SHALL BE GIVEN TO THE PROSECUTING OFFICER OF THE COUNTY IN WHICH THE ARREST IS MADE AND IN WHICH THE ACCUSED IS IN CUSTODY, AND TO THE AGENT OF THE DEMANDING STATE.

(C) JUDICIAL REVIEW.

IF THE APPLICATION FOR A WRIT OF HABEAS CORPUS AFTER AN EXTRADITION HEARING ONLY IS DENIED BY THE TRIAL COURT, THE DENIAL MAY BE APPEALED TO THE COURT OF SPECIAL APPEALS.

REVISOR'S NOTE: This section formerly was Art. 41, § 2-210.

In subsection (a)(2) of this section, the reference to the "person arrested" is substituted for the former reference to the "prisoner" for consistency within this section.

In subsection (b) of this section, the former reference to the "City of Baltimore" is deleted in light of the definition of "county" in § 1-101 of this article.

The only other changes are in style.

Defined terms: "County" § 1-101

"Executive authority" § 9-101

"Person" § 1-101

"State" § 9-101