

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 6: CRIMINAL PROCEDURE

§ 6911. Governor's Warrant of Arrest: Rights of Accused Persons; Application for Writ of Habeas Corpus.

No person arrested upon a Governor's warrant of arrest shall be delivered over to the agent whom the executive authority demanding the arrest shall have appointed to receive the arrested person unless he or she shall first be taken forthwith before a judge of the Commonwealth Trial Court, who shall inform the person arrested of the demand made for his or her surrender and of the crime with which the person is charged and that he or she has the right to demand and procure legal counsel; and if the prisoner or his or her counsel shall state a desire to test the legality of the arrest, the court shall fix a reasonable time to be allowed within which to apply for a writ of habeas corpus. When a writ is applied for, notice of it and of the time and place of hearing it shall be given to the Attorney General and to the agent of the demanding state.

Source: 12 TTC § 461.

Commission Comment: Section 4 of PL 6-25, the "Commonwealth Judicial Reorganization Act of 1989," provides that "[w]herever the term 'Commonwealth Trial Court' appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court."