

77-7-23 Delivery of prisoner arrested without warrant to magistrate -- Transfer to court with jurisdiction -- Violation as misdemeanor.

- (1)
- (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested shall be taken without unnecessary delay to the magistrate in the district court, the precinct of the county, or the municipality in which the offense occurred, except under Subsection (2). An information stating the charge against the person shall be made before the magistrate.
 - (b) If the justice court judge of the precinct or municipality or the district court judge is not available, the arrested person shall be taken before the magistrate within the same county who is nearest to the scene of the alleged offense or nearest to the jail under Subsection (2), who may act as committing magistrate for arraigning the accused, setting bail, or issuing warrants.
- (2) If the arrested person under Subsection (1) must be transported from jail to a magistrate, the person may be taken before the magistrate nearest to the jail rather than the magistrate specified in Subsection (1) for arraignment, setting bail, or issuing warrants.
- (3) The case shall then be transferred to the court having jurisdiction. This section does not confer jurisdiction upon a court unless otherwise provided by law.
- (4) Any officer or person violating this section is guilty of a class B misdemeanor.

Amended by Chapter 10, 1997 General Session

Amended by Chapter 215, 1997 General Session