

TITLE 32 – CRIMINAL PROCEDURES
CHAPTER 1 - CRIMINAL PROCEDURES ACT



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CRIMINAL PROCEDURE ACT

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CRIMINAL PROCEDURE ACT

AN ACT to establish criminal procedure in the Republic and for matters connected therewith.

<i>Commencement:</i>	<i>Not Specified</i>
<i>Source:</i>	<i>TTC 1966</i>
<i>Amended By:</i>	<i>12 TTC 1970 COM P.L. 7-4 (1977)</i>
<i>12 TTC 1980 P.L. 1995-129 P.L. 2005-33 P.L. 2020-17</i>	

PART I - GENERAL PROVISIONS

§101. Short title.

This Chapter may be cited as the “Criminal Procedure Act”.

§102. Reserved.[P.L. 2005-33.]

PART II- PROCESS; WARRANTS AND ARREST

§103. Process obligatory upon police.

- (1) All process in any criminal proceedings, in all contempt proceedings, and in juvenile delinquency proceedings, issued in accordance with law and the rules of procedure prescribed in accordance with law, shall be obligatory upon all policemen having knowledge thereof, and any policeman to whom such process is given shall promptly

make diligent effort to execute or serve the same either personally or through another policeman.

- (2) This Section shall cover orders to show cause why a person should not be adjudged in contempt, orders of attachment of a person, summons, and all other orders (including an oral order in place of any of the foregoing), issued in either civil contempt proceedings or juvenile delinquency proceedings, as well as all forms of process in criminal proceedings.[TTC 1966, §489; 12TTC 1970, §51; 12 TTC 1980, §51.]

§104. Limitation of Arrests Without a Warrant.

No arrest of any person shall be made without first obtaining a warrant therefor, except as provided for in Article II, Section 3 of the Constitution and in decisional law consistent therewith, i.e., if there is not adequate time to get a warrant. [TTC 1966, §456; 12 TTC 1970, §52; 12 TTC 1980, §52.][Amended by P.L. 2005-33.]

§§105 -116 - Reserved.[repealed by P.L. 2005-33]

§117. Use of force in making arrest.

In all cases where the person arrested refuses to submit or attempts to escape, such degree of force may be used as is necessary to compel submission.[TTC 1966, §459; 12 TTC 1970, §65; 12 TTC 1980, §65.]

§118. Disposition of Persons Arrested by Private Persons.

Any private person making an arrest shall deliver the arrested person to a police officer or a judge without unnecessary delay and shall explain the cause of the arrest. Except where transportation difficulties are involved, or neither a police officer or a judge can be located promptly, such delay should not extend beyond a few hours during the daytime or early evening nor beyond ten o'clock on the following morning in the case of persons arrested during the night time. [TTC 1966, §462; 12 TTC 1970, §66; 12 TTC 1980, §66][amended by P.L. 2005-33.]

§119. Disposition of Arrested Persons by Police Officer.

Persons arrested by a police officer, or delivered to him after arrest by a private person, shall be brought without unnecessary delay before a court competent to try the offender for the criminal offense charged, subject to the following: