

For benefit of states having similar provision.

Section 6. This act shall apply only to peace officers of a state, or any political subdivision thereof, which by its laws has made similar provision for the arrest and custody of persons closely pursued within the territory thereof.

When effective.

Section 7. This act shall become effective immediately upon its final enactment.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 524

AN ACT

Providing that in all cases where writs of habeas corpus are granted, the judge may inquire into the facts of the case, including an examination into the record, proceedings, and evidence produced, against the person committed or detained, before the committing judge, officer, or magistrate; and making such records, proceedings, and evidence, available for inspection by the petitioner, or his counsel.

Habeas Corpus.

Section 1. Be it enacted, &c., That in all cases where writs of habeas corpus are granted, the judge granting the writ may inquire and examine into the facts of the case.

Examination of record by judge as to sufficiency.

Section 2. Such examination into the facts of the case shall include an examination by the judge into all the proceedings held and evidence produced before a judge, magistrate, justice of the peace, or other officer sitting as a committing judge or magistrate, and if such proceedings shall, after inquiry, be deemed to have been conducted not in accordance with law, or the evidence deemed insufficient, the prisoner shall be discharged.

Discharge.

Records available for inspection of the defendant.

Section 3. For the purposes of the inquiry, the records of all proceedings and testimony shall be available to the petitioner or his counsel for inspection in the court where the application is made, regardless of where the proceedings against the person detained are pending.

Constitutional provision.

Section 4. It is hereby declared to be in the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein.

When effective.

Section 5. This act shall become effective immediately upon its final enactment.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE