589.03 APPLICATION FOR WRIT IN ANOTHER COUNTY; PROOF REQUIRED.

When application for a writ of habeas corpus is made to a judge whose chambers are not located within the county where the prisoner is detained, that judge shall require proof, by the oath of the applicant or other evidence:

(1) that there is no judge in the detaining county authorized to grant the writ;

(2) that judges authorized to grant the writ are absent from the detaining county;

(3) that judges in the detaining county for reasons specified are incapable of acting; or

(4) that judges in the detaining county have refused to grant the writ.

If the proof required by this section is not produced, the application must be denied.

History: *(9741) RL s 4575; 1985 c 265 art 9 s 1*