589.22 CONDITIONS UNDER WHICH DISCHARGED PETITIONER MAY BE INCARCERATED.

A petitioner who has been discharged upon a writ of habeas corpus may be incarcerated again for the same conduct only under the following circumstances:

(1) if, after discharge for defect of proof or for a material defect in the commitment in a criminal case, the petitioner is arrested again on probable cause and detained in accordance with law;

(2) if the petitioner fails to post bond;

(3) if the petitioner is indicted for the conduct and detained pending criminal proceedings; or

(4) if the petitioner is convicted and sentenced for the conduct.

History: *(9760) RL s 4594; 1985 c 265 art 9 s 1*