§1810. Commencement of probation revocation proceedings by summons

1. Authority of probation officer. If a probation officer has probable cause to believe that a person on probation has violated a condition of probation, that officer may deliver to that person, or cause to be delivered to that person, a summons ordering that person to appear for a court hearing on the alleged violation. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph I when there is no alleged violation that constitutes a crime, except as set out in section 1814.
[PL 2021, c. 403, §2 (AMD).]

2. Contents of summons; probation officer to file motion for revocation. The summons delivered pursuant to subsection 1 must include the signature of the probation officer; a brief statement of the alleged violation; the time and place of the alleged violation; and the time, place and date the person is to appear in court or a statement that the court will notify the person of the time, place and date to appear. As soon as practical after service of the summons, the probation officer shall file with the court a motion for revocation of probation that sets forth the facts underlying the alleged violation. The motion must be approved by the prosecuting attorney before it is filed with the court. The motion may be withdrawn by either the probation officer or the prosecuting attorney. If the request to withdraw the motion is made by the probation officer, the request must state the position of the prosecuting attorney regarding that request.
[PL 2025, c. 694, §1 (AMD).]

3. Initial appearance. A person appearing on a motion to revoke probation pursuant to a summons must be given an initial appearance as provided in section 1811, subsection 4.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Failure to appear. If the person fails to appear in court after having been served with a summons, the court may issue a warrant for the arrest of the person. After arrest, the person must be given a probable cause hearing as provided in section 1809, subsection 2 and an initial appearance as provided in section 1811, subsection 3.
[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 403, §2 (AMD). PL 2025, c. 694, §1 (AMD).

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