

attached, that he has reluctantly concluded that the bill is unconstitutional and should not be approved.

Although I agree with the Attorney General that the purposes of the bill are most necessary and salutary, in view of his opinion that the bill is unconstitutional I have felt compelled to veto the same. I do join, however, in his recommendation that the General Assembly give serious consideration to the enactment of a bill in proper form providing for Interstate Agreement on Detainers.

With kindest personal regards, I am

Sincerely yours,

(s) J. MILLARD TAWES,
Governor.

The Honorable J. Millard Tawes
Governor of Maryland
State House
Annapolis, Maryland 21400

March 31, 1964.

Re: Senate Bill 5

Dear Governor Tawes:

As requested I have examined Senate Bill 5 which was introduced at the regular session of the Legislature by the Legislative Council and passed by both houses of the General Assembly. After much consideration, we have reluctantly concluded that this Bill is unconstitutional and should not be approved.

Senate Bill 5, which adds a new subtitle to Article 27, Title "Crimes and Punishments," of the Annotated Code of Maryland, bears the heading "Interstate Agreement on Detainers". We understand that this Agreement has already been adopted in several states. It has as its aim the prompt and speedy trial of prisoners who are incarcerated in one jurisdiction but have detainers lodged against them by officials of another jurisdiction. One provision of the measure recognizes that such a situation produces "uncertainties which obstruct programs of prisoner treatment and rehabilitation" and that "it is the policy of the party states and the purpose of this Agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints" through "cooperative procedures".

We feel that the purposes of the Bill are both necessary and salutary. Our reluctance in rendering this opinion is in fact based upon a hesitation on our part to delay such an agreement until the next session of the Legislature.

The text of the Bill establishes procedures (a) for a prisoner in another state to demand trial of charges contained in detainers filed against him by Maryland authorities; (b) for a prisoner in Maryland to demand trial of detainers filed against him by authorities of another state; (c) for prosecuting officials of another state to request temporary custody of a prisoner confined in Maryland; and (d) for prosecuting officials of Maryland to make a similar request upon