

classification of crimes that would be like the motor vehicle violations, where a person would be entitled, if he were a resident of the State of Maryland, to be summoned and not be arrested and put in jail.

I think an example of this is non-support cases, with which we have had a lot of difficulty, where they go get a man off of the job because his wife swore out a warrant for nonsupport Friday afternoon and they carry him down and lock him up over the weekend.

DELEGATE JAMES (presiding). What is the question, Delegate Fox.

DELEGATE FOX: Under the language that would remain in the constitution, excessive bail should not be required. What would the effect of that be with regard to trying to establish a classification of offenses for which a man would automatically be entitled to release, such as motor vehicle cases?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: My answer to that, Delegate Fox, is that the constitutional provision now in the Constitution in reference to bail gives the legislature ample authority, and they have already exercised it in 1965, to grant the judicial officer whenever he thinks the circumstances warrant it, the privilege of releasing the man on his own recognizance, which of course is bail. Since it is on his own recognizance that he will appear, you do not need to pass this language.

You have ample language under the present constitutional provision, to pass any statute you want, to make any rule you want in reference to bail.

DELEGATE JAMES (presiding): Any further questions?

Delegate Bamberger.

DELEGATE BAMBERGER: I think Delegate Gill had a question.

DELEGATE JAMES (presiding): Delegate Gill.

DELEGATE GILL: Delegate Child, I understood the reasons you gave why you think this section should be stricken from the recommendation, except one. You said it would be dangerous. Would you explain that a little more, please?

DELEGATE CHILD: I think it takes away the discretion of the judicial officer, because the provision says that he shall

be entitled to release by posting only such bail or other security as is necessary to secure his appearance.

Now, there are cases where a person might be insane or have a long criminal record of assault and commit a serious assault and still he would say that he wanted bail, because he is entitled to it under this section, regardless of whether or not he might go out that very same night and assault several other people.

A matter of bail, Delegate Gill, wherever you may place it, is a matter for judicial determination by a judicial officer. Be that officer who he may, he acts as a judicial officer exercising his best discretion.

That discretion should not be hampered in any way by any constitutional provision.

DELEGATE JAMES (presiding): Delegate Gill.

DELEGATE GILL: Under this section, this condition would be more dangerous than the things under the other section that you say this duplicates.

DELEGATE CHILD: I did not get your question.

DELEGATE GILL: You say this is primarily duplication. I fail to see how this would make it more dangerous than the other section which you say it duplicates. If this exists in this condition, why would it not exist in the other sections?

You say this would be duplication, but still you think it is all right to have it in the other sections.

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: It is a duplication of everything that we need. It takes away from a judicial officer that power which in my opinion he should have.

DELEGATE JAMES (presiding): Delegate Key.

DELEGATE KEY: Judge Child, as I read this, and not having a legal mind, I am just looking at the words, and it says "or other terms as are believed to be necessary to secure his appearance before the court."

Is it not possible that the terms decided upon by the judge might be incarceration?

DELEGATE CHILD: Yes.

DELEGATE KEY: So that he would not be released if the judge decided he would not appear?