

be reasonable in relation to the average situation where such a similar crime was involved?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: I think you have stated it very, very well.

DELEGATE JAMES (presiding): Any further questions for the purpose of clarification?

If there are no further questions, do you have the amendment, Judge Child?

DELEGATE CHILD: This is Amendment A.

DELEGATE JAMES (presiding): Amendment A. Please distribute Amendment A.

As soon as the amendment has been distributed I will ask the Clerk to read the amendment.

For what purpose does Delegate Winslow rise?

DELEGATE WINSLOW: A point of personal privilege, Mr. Chairman.

DELEGATE JAMES (presiding): Will you state personal privilege?

DELEGATE WINSLOW: Yes, sir.

May I announce, sir, that in the gallery over the rostrum are seventy-one students from the Ridgely Junior High School, Baltimore County, together with their teachers, Mrs. Johnson, Miss Knachel, Mr. Parker, and Mr. Emerick.

I hope the Committee will join me in making them feel welcome.

DELEGATE JAMES (presiding): We are very happy to welcome this fine group.

*(Applause.)*

The Chair recognizes Delegate Child.

DELEGATE CHILD: For the record, my grandson, Godfrey Byrd Child, is with the bunch.

DELEGATE JAMES (presiding): We are glad to have him with us.

This will be Amendment No. 12. The Clerk will read the amendment.

READING CLERK: Amendment No. 12 to Minority Report R&P-1(A), by Delegates Child, Beachley, Burgess, Dabrowski, Groh, Hardwicke, Hostetter, Price, Weidemeyer: On page 3, section 5 Rights of Accused, in

line 3 strike out the following: "(A)"; and strike out all of lines 14 through 19, inclusive.

DELEGATE JAMES (presiding): Judge Child, do you wish to amplify your presentation?

DELEGATE CHILD: How much controlled time do we have, Mr. Chairman?

DELEGATE JAMES (presiding): The controlled time is fifteen minutes. You have fifteen minutes of controlled time.

DELEGATE CHILD: I have said about all I want to say. I will allot three minutes of our controlled time to a U.S. Commissioner who is a member of our Committee, Delegate Burgess.

DELEGATE JAMES (presiding): Delegate Burgess.

DELEGATE BURGESS: Ladies and gentlemen, I am aware of the peculiar set of circumstances in this situation. I was the co-sponsor of a proposal to accomplish much of what is set out in section 5, subparagraph B.

However, I must admit that Judge Child converted me. Frankly, my work, as the judge mentioned, entails working with the Bail Reform Act of 1966, which is of course in the federal system.

The Bail Reform Act of '66 was enacted by Congress under constitutional provisions very similar to that appearing in section 8-A. The Bail Reform Act of 1966, although a federal instrument, is considered to be a model in this area.

There are various criteria set down for the release of individuals charged with crimes. The Bail Reform Act of 1966 recognizes that somebody has got to make a value judgment, somebody has got to consider this individual appearing before them. They have got to consider the background data, or lack thereof, in trying to make the determination as to whether or not it is reasonable to conclude that this individual would be present for such basic things as preliminary examination.

Now, basically the initial contact with a judicial officer is for the purpose of setting bond, and determining whether or not this person should in fact be held long.

At this time, the judicial officer has to make several judgments, number one, in determining whether or not it appears that there has been some crime committed; and secondly, whether or not it is reasonable to conclude that this person may have committed that crime.