

done and I would urge Delegate James to continue the work of the legislature in this field rather than to draft a bad constitutional section.

In Baltimore City, we are now engaged in a wonderful project of releasing people who are accused of crime simply on the study that is made by competent social workers, people trained to make an examination into whether or not these people ought to be released on their own recognizance.

Sorry to say, the money for this project is running out, and many people who ought to be released are not being released, not because of bad administration, not because judges will not listen, but simply because the funds are not available for the studies to be made.

Now, you ask me, what is wrong with this language. First, it is statutory. It ought to be in the statutes. The statutes are good. They ought to be expanded.

I fought for this for a long, long time, and I am happy to see the day that this is taking place, where you do not have to go to a professional bondsman. Here is what is required under the circumstances.

Last night I wrote out what I thought was an extreme case, but there is not anything extreme about it, as I think. Bear with me for just a minute or so.

Suppose three or four of us delegates are walking by this State House and somebody from the rooftop is shooting at us with a rifle. Fortunately, two of us escape. Only one is hit, but not killed. Therefore, it is not a capital case.

This man clearly, from the outward appearances, is homicidal. The police rush to get him and he threatens to jump and commit suicide. Clearly, he is suicidal.

Bear in mind, this is not a capital case.

Under this section he is the accused. There is no capital case. He is entitled to release pending trial, conditioned only upon these situations: upon such bail, or other terms as are reasonably necessary to secure his appearance before the court.

How could you set terms that are reasonably necessary to insure his appearance before the court and make those terms a form of incarceration? What becomes of the discretion of the judge, who wants to send this man to Spring Grove for psychiatric examination? What becomes of the court's discretion to determine whether or

not for the man's own safety he ought to be allowed out?

I am saying to you, this is a badly drawn section. It has no place in the constitution because everything that we want for the protection of the accused and for the protection of society can be accomplished by the statute.

THE CHAIRMAN: You have less than a minute, Delegate Sherbow.

DELEGATE SHERBOW: I am all for it. I am sure all of you are. What I am saying to you is that we ought to strike down section B completely. We ought to accomplish these tremendous steps forward that are now taking place in this wide field and continue them with all the help we can get from the General Assembly and every other agency of government that will help us. But this section is bad.

I urge you to vote for the amendment.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: How much time do we have remaining, please?

THE CHAIRMAN: You have a little over ten minutes.

DELEGATE BOTHE: I will yield three minutes to Delegate Fox.

THE CHAIRMAN: Delegate Fox.

DELEGATE FOX: Mr. Chairman, Ladies and gentlemen of the Committee, in connection with Judge Sherbow's remarks, I would refer to the back page of the *Morning Sun*, which says that a 28-year-old mother of an infant child who had been held in jail without bail since November 19 on an arson charge yesterday won release on \$1,000 bail after habeas corpus hearings before Judge Shirley B. Jones.

The problem with bail in Maryland is not so much in the cases where you can get your client before a judge, but the problem is when they are arrested on Friday night, you cannot find a judge until perhaps Monday afternoon, or Monday morning, and the client stays in jail for that period of time.

Part of the problem of course is that the police officer has no discretion as to whether or not to take the person into custody and there is nothing he can do but lock him up. He takes him down to jail and the jailer says there is nothing he can do but hold him, until there is a collateral of two or three hundred dollars, and the man is not able to get it on Friday night, or on Saturday night.