

Delegate Johnson, do you desire to offer your amendment AY? I should say the Chair feels that it would not be in order, that it is covered by Amendments 13 and 14, both of which were rejected.

DELEGATE JOHNSON: I believe that is the case, Mr. Chairman.

THE CHAIRMAN: All right.

Are there any other amendments to section 5.11? Delegate Chabot?

DELEGATE CHABOT: I call up Amendment BK.

THE CHAIRMAN: The page will please distribute Amendment BK.

This will be Amendment No. 17. The Clerk will read the amendment.

READING CLERK: Amendment No. 17 to Committee Recommendation JB-1, by Delegate Chabot: On page 4, Section 5.11 Commissioners in line 4 following the period, add the sentence:

"No commissioner may issue a warrant of arrest unless he is a member of the bar of the State."

THE CHAIRMAN: Is the amendment seconded?

*(Whereupon the amendment was duly seconded.)*

DELEGATE BENNETT: Second.

THE CHAIRMAN: Delegate Bennett seconded the amendment.

The Chair recognizes Delegate Chabot to speak to the amendment.

DELEGATE CHABOT: Mr. Chairman, yesterday we dealt with the question of whether Commissioners should be authorized by rule to issue search warrants and the majority of this body, I might say the overwhelming majority, came to the conclusion that we would not want commissioners who may be non-lawyers to be able to authorize anyone to search through the personal effects of any individual.

I think that it was clearly stated by Delegate Carson, as well as by others, that certainly if we have this high regard for the papers and effects of people, we ought to have at least as high regard for their liberty.

As a practical matter, arrest records can mark a person through life, whether the arrest was a proper one or not.

We have had many instances brought to the attention of the public in the newspapers in recent years, and especially in recent months, of the frequent effect of the practice of making public to anyone who requests it the arrest records of any person who has applied for a job.

In these matters the question of whether the person was ultimately acquitted or convicted, or what finally happened as a result of the arrest, often turns out to be irrelevant. If you have an arrest record, you find it difficult to get a job. You find it difficult to attain other positions.

I suggest that although requiring that an arrest warrant be issued only by an attorney is not an absolute safeguard—we have seen the tremendous amount of litigation that has gone through all the courts, including the Supreme Court, with regard to warrants issued even by judges—nevertheless, I think that it is a basic, minimal requirement that we must set in the constitution that a non-lawyer, no matter how well supervised by the judge who appoints him, should not be permitted to issue an arrest warrant.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman and ladies and gentlemen of the Committee of the Whole: may I say that our Committee is entirely sympathetic with the views expressed by Delegate Chabot and the spirit that prompted his amendment here before us.

We feel that this is a responsible duty that is proposed to be assigned to these commissioners. However, this matter was considered at some length in the Committee, and our problem, Delegate Chabot and ladies and gentlemen, is that as sympathetic as we are with the rights you propose to be protected by lawyers, that we feel in the rural areas where manpower, particularly in the trade of the law, is at a premium, that such requirement would seriously cripple and hamper the operation of the commissioner system as we envision it.

We do feel that, having adopted the idea that these commissioners be appointed by the district judge and therefore the selection being made by someone trained in the law, that throws a safeguard around the situation as much as we could hope to accomplish within the present court structure throughout the State of Maryland.

We envision these commissioners to be trained to some extent in the legal pro-