

1 what they call an indeterminate sentence, but actually
2 there is a maximum time which the defendant may be required
3 to serve under such sentence and, while a number of States
4 are considering indeterminate sentence laws, Maryland
5 retains the only one that actually is one.

6 In addition, the State of Florida has a constitu-
7 tional provision prohibiting indeterminate sentences.
8 Whether the new Constitution still contains it, we don't
9 know, but the matter is apparently of constitutional
10 dimension.

11 When Article 31B was on the drafting boards and
12 many of the best legal-psychiatric minds of the State were
13 engaged in the drafting of the bill, it was felt that no
14 constitutional sanction is needed. Research Report No. 29,
15 which was the document underlying the act, which Professor
16 Broderick of the Law School prepared, and he is Professor
17 of constitutional law, specifically states that there was
18 no need to have a constitutional backing for the passage
19 of an indeterminate sentence law.

20 However, the Court of Appeals and the Research
21 Report to some degree have leaned on the constitutional