

Senate Bill No. 101—Criminal Jurisdiction

AN ACT to repeal and re-enact, with amendments, Section 675 of Article 27 of the Annotated Code of Maryland (1951 Edition), title "Crimes and Punishments", sub-title "Jurisdiction, Procedure and Sentence"; and Section 665 of Article 66C of said Code, title "Natural Resources", sub-title "Oysters and Clams", providing that Section 675 of Article 27 shall have no application to Section 665 of Article 66C, and further providing for the removal of the jurisdiction of the courts mentioned in Section 665 of Article 66C over offenses committed in Chesapeake Bay waters.

May 9, 1955

Honorable Louis L. Goldstein
President of the Senate
State House
Annapolis, Maryland

Dear Mr. President:

I have today vetoed Senate Bill 101 based on the following opinion of the Attorney General:

"We have examined Senate Bill No. 101, which is an Act to repeal and re-enact, with amendments, Section 675 of Article 27 of the Annotated Code of Maryland (1951 Edition), title 'Crimes and Punishments', sub-title 'Jurisdiction, Procedure and Sentence' and Section 665 of Article 66C of the Code, title 'Natural Resources', sub-title 'Oysters and Clams'. The title states that Section 675 of Article 27 shall have no application to Section 665 of Article 66C. It further provides 'for the removal of the jurisdiction of the courts mentioned in Section 665 of Article 66C over offenses committed in Chesapeake Bay waters'.

"Before enactment of this Act, Section 675 of Article 27 covered the commission of *any crime, offense or misdemeanor* upon the waters of Chesapeake Bay, within Maryland but outside the boundaries of any County. Under it the offender could be indicted and tried in any court of this State having jurisdiction of similar crimes, offenses and misdemeanors, of the county in which the offender might be arrested or into which he was first brought. As enacted by Senate Bill No. 101, however, the provisions of this section would not be applicable to Section 665 of Article 66C.

"The provisions of Section 665 of Article 66C deal with 'jurisdiction' as well as penalties. Criminal proceedings brought against any person for the violation of the provisions of Article 66C (conservation laws) are to be brought before the Courts having jurisdiction in the County where the violation occurred; and if committed in or on the waters of Chesapeake Bay, then such proceedings are to be brought before any Court, Trial Magistrate or Justice of the Peace of the 'Tidewater Counties'. In other words when Section 675 of Article 27 and Section 665 of Article 66C are read together, prior to enactment of Senate Bill No. 101, a violation on the Bay of any conservation law could be prosecuted in any *Tidewater* county in which the defendant is arrested or into which he is first brought. Such has been the practice for many years.

"Our laws do not establish any other exceptions to the provisions of Section 675 of Article 27. If a crime be committed upon the waters of the Chesapeake Bay, 'within the limits of this State, and without