

301, which I have previously signed. Accordingly, House Bill 64 has been vetoed as unnecessary.

Respectfully,

(s) THEODORE R. MCKELDIN,

Governor

TRMcK:mg

House Bill No. 74—Bail and Collateral, Baltimore City

AN ACT to repeal and re-enact, with amendments, Section 193 of the Charter and Public Local Laws of Baltimore City (1949 Edition), title "City of Baltimore," sub-title "Bail," providing that the commanding officer of any police station, or any officer designated by him, ~~may~~ SHALL take bail OR COLLATERAL in the absence of the police justice sitting at that police station and further providing that the State's Attorney of Baltimore City shall provide every such commanding officer with a list ofailable offenses and the amount of bail OR COLLATERAL required for each offense, AND RELATING GENERALLY TO THE PROVISIONS AND REQUIREMENT FOR TAKING OF SUCH BAIL OR COLLATERAL.

April 28, 1955

Honorable John C. Luber  
Speaker of the House of Delegates  
State House  
Annapolis, Maryland

Dear Mr. Speaker:

House Bill 74 is designed to authorize the commanding officers of Baltimore City police stations to accept bail or collateral on occasions when the police magistrate is unavailable. To meet stated objections of the Baltimore City Police Commissioner and the Attorney General, this bill, at my suggestion, was recalled by its sponsors after passage and amended in two particulars.

One amendment authorizes the police officer accepting the bail to administer an oath and makes false swearing punishable as perjury. The second amendment, designed to eliminate the possibility of a "racket" in bail bonds, attempts to make it bribery for a police officer to accept a gratuity from a bondsman regardless of the motives involved. It goes even further by also defining as bribery an attempt by a police officer to inform a bondsman of a pending bail. Literal application of these provisions could make a crime of a perfectly innocent act, such as a call to a bondsman at the request of the prisoner.

The criminal provisions of the bill, drastically altering existing ideas as to what constitutes the crime of bribery, are deemed by the Attorney General to be so vague and indefinite as probably to be unconstitutional. In addition, the title of the bill as originally introduced was not changed in any manner to reflect the two substantial amendments which it now embodies. This failure, the Attorney General advises, undoubtedly renders the title insufficient to meet constitutional requirements.