

706.

(a) When any person is convicted, before any circuit court of any county, or the Criminal Court of Baltimore, of any crime, committed on or after June 1, 1943, and punishable by any imprisonment whatsoever or by fine and imprisonment, (other than imprisonment in default of fine), said court may, in its discretion, sentence such person to imprisonment in jail or in the Maryland House of Correction or in the Maryland Penitentiary. The term of such imprisonment in any of said institutions shall be in the discretion of the court, unless a maximum term of imprisonment is prescribed by law, in which event the imprisonment imposed shall not exceed the maximum so fixed; provided, however, that no sentence to the penitentiary or house of correction shall be for less than three months; except that any sentence under Section 455 of this article may be imposed in accordance with the provisions of said Section 455. Whenever the Superintendent of Prisons shall determine that prison discipline will be furthered by transferring from the Maryland House of Correction to the Maryland Penitentiary, [or] the Maryland State Reformatory for Males or the Patuxent Institution, or from any one of the [three] said institutions to the other, any person sentenced to [either] any of said institutions for a crime committed after October 1, 1916, and shall issue his warrant to the warden and superintendent or wardens of said institution directing such transfer, then the said sentence of the court shall operate to authorize such transfer by virtue hereof. The power of transfer conferred upon the Superintendent of Prisons by this section shall authorize the said Superintendent of Prisons to transfer any person confined in any of said institutions to any other of said institutions at any time the said Superintendent of Prisons may, in his discretion, determine that such transfer will improve discipline or aid in the safekeeping, treatment, training, employment or rehabilitation of such person.

SEC. 3. *And be it further enacted*, That Sections 6 (b), 8 (a) and 11 of Article 31B of the said Code, title "Defective Delinquents", sub-title "Defective Delinquents", be and they are hereby repealed and re-enacted, with amendments, and new Section 11A be and it is hereby added to said Article and sub-title of the Code, to follow immediately after Section 11 thereof, and all to read as follows:

6.

(b) The request for such examination may be made by the State's attorney or assistant State's attorney who prosecuted the person for a crime or offense specified hereinabove in this section, or any knowledge or suspicion of the presence of defective delinquency, in the defendant in such case. The defendant himself, or his attorney in his behalf, may make such a request of the court. Whenever a request for examination comes from any such source the court [shall] may order the person to be examined by the institution for defective delinquents to ascertain if he or she is a defective delinquent. The court also may make such an order on its own initiative. A copy of any order for examination shall be served upon the person to be examined.

8.

(a) When required; before whom held; rights of defendant.—If the institution for defective delinquents in its report on any indi-