

COMPARISON OF CONSTITUTIONS

PROPOSED CONSTITUTION OF 1968

CONSTITUTION OF 1867

Clemency

Section 4.34. Executive Clemency.

The governor shall have power to grant reprieves, commutations, and pardons, except in cases of conviction upon impeachment, and to remit fines and forfeitures for offenses against the State. At least annually he shall file with the Court of Appeals a public report of the instances of the exercise of this power.

State's Attorney

Section 4.35. State's Attorney.

There shall be a state's attorney in each county or district which may be prescribed by the General Assembly by law. He shall be elected by the voters of the county or district in which he seeks office. The term of office, functions, powers, duties, method of filling vacancies, and all other matters relating to the office shall be prescribed by the General Assembly by law.

sentatives of all agencies, and for all institutions applying for State moneys. After such public hearings he may, in his discretion, revise all estimates except those for the legislative and judiciary departments, and for the public schools, as provided by Law.

Art. II, sec. 20. He shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases, in which he is prohibited by other Articles of this Constitution; and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due the State, except in cases of fines and forfeitures; and before granting a *nolle prosequi*, or pardon, he shall give notice, in one or more newspapers, of the application made for it, and of the day on, or after which, his decision will be given; and in every case, in which he exercises this power, he shall report to either Branch of the Legislature, whenever required, the petitions, recommendations and reasons, which influenced his decision.

The State's Attorneys.

Art. V, sec. 7. There shall be an Attorney for the State in each county, and the City of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the Tuesday next after the first Monday of November, in the year, nineteen hundred and fifty-eight, and on the same day every fourth year thereafter; and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified; and shall be re-eligible thereto, and be subject to removal therefrom, for incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a Court of Law, or by a vote of two-thirds of the Senate, on the recommendation of the Attorney General.

Sec. 8. All elections for the State's Attorney shall be certified to, and Returns made thereof, by the Clerks of the said counties and city, to the Judges thereof, having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the Persons returned; and, in case of a tie between two or more Persons, to designate which of said