

bears the heading "Interstate Agreement on Detainers". We understand that this Agreement has already been adopted in several states. It has as its aim the prompt and speedy trial of prisoners who are incarcerated in one jurisdiction but have detainers lodged against them by officials of another jurisdiction. One provision of the measure recognizes that such a situation produces "uncertainties which obstruct programs of prisoner treatment and rehabilitation" and that "it is the policy of the party states and the purpose of this Agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints" through "cooperative procedures".

We feel that the purposes of the Bill are both necessary and salutary. Our reluctance in rendering this opinion is in fact based upon a hesitation on our part to delay such an agreement until the next session of the Legislature.

The text of the Bill establishes procedures (a) for a prisoner in another state to demand trial of charges contained in detainers filed against him by Maryland authorities; (b) for a prisoner in Maryland to demand trial of detainers filed against him by authorities of another state; (c) for prosecuting officials of another state to request temporary custody of a prisoner confined in Maryland; and (d) for prosecuting officials of Maryland to make a similar request upon another state. The title of the Bill, on the other hand, refers only to the second and third purposes:

"AN ACT * * * to enact an Interstate Agreement on Detainers (i) to provide for the disposition of and to authorize the processing of detainers based on untried indictments, informations or complaints of party states to this agreement *against persons incarcerated in correctional institutions or facilities of this State*, (ii) to provide for giving of *such* prisoners into the temporary custody of a party State or of the United States, (iii) to provide penalties for escape or attempt to escape from such temporary custody, (iv) and relating generally to the disposition of detainers based on untried indictments, informations or complaints of party states *against prisoners incarcerated in Maryland correctional institutions or facilities*. (Emphasis supplied.)

It can be immediately seen that the title relates only to two of the purposes of the Bill, i.e., it relates only to the situation of a prisoner in Maryland who desires to stand trial elsewhere or who is requested for trial by officials of another state. The title is completely silent about the rights of prisoners incarcerated in another state to be tried in Maryland at their own request or at the request of prosecuting officials here. There is not even an inference in the title that the Bill embraces the latter subjects. We have no doubt that this defect is basic and renders the Bill unconstitutional in its entirety under Article III, Section 29 of the Constitution.

In the same connection, we also note that there is nothing in the title of the Bill to indicate the rule-making powers entrusted to the Attorney General by Sections 616H and 616-O of the Agreement. In my opinion, this should be included in the title of any new enactment of this measure.