

it is of much narrower scope than the Interstate Agreement on Detainers, which also deals with informations and complaints. At the present time, after an indictment is returned by the Grand Jury, its status prior to trial can be affected only by the accusing body, by the State's Attorney or by the Governor. The quoted language of Senate Bill No. 6 injects into this settled procedure a measure of direction and control by an undefined number of persons generally styled "peace officers," and to this extent is at variance with the orderly or practical administration of criminal justice.

The Interstate Agreement of Detainers, adopted by the Council of State Governments, does not seek to go so far. It is operative only where a prosecuting official has filed a detainer. Under Senate Bill No. 6 there is imposed upon a "beat" patrolman, a constable attached to a trial magistrate, as well as others, an affirmative duty to set in motion a procedure whereby the State may be required to bring a case to trial—all without regard to whether they are otherwise involved with the offense. Regardless of the propriety of the result sought to be accomplished, the method will likely prove chaotic.

Furthermore, we note that any person incarcerated in Maryland may now be brought to trial anywhere in the State by the issuance of a writ of habeas corpus *ad prosequendum* or *ad testificandum*. We cannot believe that any request for a prompt and speedy trial by a prisoner would be refused by any court or any State's Attorney. A speedy trial is constitutionally guaranteed in any event. These procedures and guarantees seem adequate for the purpose; and even if any formal procedure is established by statute (as can easily be done simply by deleting the quoted subsection), it is clearly not necessary to include a "sheriff, other peace officer or constable" in this essentially judicial process.

While the Bill is constitutional, and in all respects legally sufficient, you may wish to consider withholding your approval of it for the reasons above cited, particularly so in light of my letter to you of March 31, 1964, in which I state that Senate Bill No. 5—The Interstate Agreement on Detainers—is unconstitutional. It may be that the Legislature would wish to reconsider Senate Bill No. 6 at the time it is reconsidering the Interstate Agreement on Detainers, Senate Bill No. 5.

Very truly yours,

THOMAS B. FINAN,

Attorney General.

Senate Bill No. 74—Regulations under State Boat Act

AN ACT to repeal and re-enact, with amendments, Section 8 (d) of Article 14B of the Annotated Code of Maryland (1963 Supplement), title "State Boating Boat Act," making the rule-making powers of the Department of Tidewater Fisheries and Game and Inland Fish, as such powers relate to operation of boats on specific navigable water, subject to the approval of the local governments in which such water is located.