

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 616O of the Agreement. In my opinion, this should be included in the title of any new enactment of this measure.

While we have in no way based our recommendations on this factor, we urge that the General Assembly in any further consideration of the Interstate Agreement on Detainers (which I sincerely hope they will undertake and act upon favorably), pay further attention to that portion of Article III (§616D of Senate Bill 5) which states that after a prisoner requests trial “he shall be brought to trial within one hundred eighty days *after he shall have caused to be delivered* to the prosecuting officer and the appropriate court of the prosecuting officer’s jurisdiction written notice of his place of imprisonment and his request for a final disposition to be made of the indictment, information or complaint * * *”. Since the Bill elsewhere provides for delivery through the warden of the institution where the prisoner is confined, we find some ambiguity in the emphasized words. If the warden in another state does not, through inadvertence or otherwise, act upon a request by a prisoner to be tried in Maryland, the prosecution in Maryland might be terminated through no fault of and for reasons completely beyond the control of any prosecuting official of this State. We cannot believe that the General Assembly intended such a result, and we think that the matter should be clarified.

We therefore recommend that you withhold approval of Senate Bill 5, but further recommend that you urge passage of the Interstate Agreement on Detainers in proper form as promptly as possible.

Very truly yours,

THOMAS B. FINAN,
Attorney General.