

The Honorable J. Millard Tawes
Governor of Maryland
State House
Annapolis, Maryland

April 1, 1964.

Re: Senate Bill No. 6

Dear Governor Tawes:

Senate Bill No. 6, introduced at the regular session of the Legislature by the Legislative Council and passed by both Houses of the General Assembly, adds a new section to Article 27 of the Annotated Code of Maryland (1957 Edition and 1963 Supplement), title "Crimes and Punishments," such section to be under the new subtitle "Detainers," and new subheading "Intrastate Detainers". Its purpose, as stated in the title, is to "provide for the disposition of and to authorize the processing of detainers based on untried indictments of the City of Baltimore or any county of the State against persons incarcerated in State correctional institutions or facilities, * * *".

Subsection (a) provides that:

"Whenever any state's attorney, sheriff, other peace officer or constable in this state has knowledge of any untried indictment against any prisoner serving a sentence in any correctional institution under the Department of Correction, he shall cause to be delivered to the Department of Correction within 30 days written notice of the untried indictment by certified mail".

This statute imposes duties upon "sheriffs," "other peace officers" or "constables" in Maryland, which may not be consonant with the sound administration of the criminal law in this State. It is to be noted that the Bill refers only to "indictments"; and in that sense 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