

House Bill No. 85—Defective Delinquents

AN ACT to repeal and re-enact, with amendments, Section 10 (a) of Article 31B of the Annotated Code of Maryland (1964 Supplement), title "Defective Delinquents," subtitle "Defective Delinquents," to modify the requirements necessary for a person committed under Section 9 (b) as a defective delinquent to file a petition for review by ~~providing the two year commitment period be equal to one-third of the original sentence.~~ **REDUCING THE NECESSARY PERIOD OF TOTAL ACTUAL CONFINEMENT TO ONE-THIRD OF THE ORIGINAL SENTENCE OR FIVE YEARS, WHICHEVER IS SHORTER.**

May 4, 1965.

Honorable Marvin Mandel
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I am returning herewith House Bill 85, 1965 Session, which has been vetoed by me today.

This Bill would modify the requirements necessary for a person committed to Patuxent Institution as a defective delinquent to file a petition for Court review of his status as a defective delinquent by reducing the necessary period of total actual confinement from two-thirds to one-third of his original sentence, or five years, whichever is shorter.

The Chairman of the Board of Patuxent Institution has recommended that the Bill be vetoed. He points out that the present rule of two-thirds was inserted in the law by an Act of the 1961 Legislature pursuant to the recommendation of a Commission appointed by the Legislative Council to recommend changes in the statute. It was the result of careful study by a Commission under the chairmanship of Judge Roszel C. Thomsen which recommended that the rule of two-thirds would protect the interests of the inmate and avoid the unnecessary consumption of staff members' time in Court, as well as the time of the Courts.

He further points out that neither he nor representatives of Patuxent Institution were afforded an opportunity to present their views to the committees of either House which considered the Bill.

I have recently appointed a Commission, upon which representatives of both Houses of the Legislature are serving, to consider further changes in the statute relating to Patuxent Institution with a view to proposing amendments at the next session of the General Assembly. A former Commission that was appointed by me last year has made tentative recommendations but has recommended that its membership be broadened in view of the importance of the subject. I have followed that recommendation by appointing a new Commission to continue the study.

In view of the foregoing, I am constrained to veto House Bill 85 since, in my opinion, it constitutes so-called piecemeal legislation