

CHAPTER 386

(House Bill 6)

AN ACT to repeal and re-enact, with amendments, Sections 76 and 78 of Article 27 of the Annotated Code of Maryland (1957 Edition), title and subtitle "Crimes and Punishments," subheading "Death Penalty," to remove from the law relating to delivery to and confinement of prisoners in the Maryland Penitentiary under sentence of death specified requirements for the manner of imprisonment of these prisoners and the persons who may visit them without an order of court, for the purpose of conforming these laws to actual practice observed in the imprisonment of these prisoners.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 76 and 78 of Article 27 of the Annotated Code of Maryland (1957 Edition), title and subtitle "Crimes and Punishments," subheading "Death Penalty," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

76.

Immediately upon sentence of death being pronounced upon any convict by any court of this State, the convict shall be taken into custody by the sheriff of the county or city wherein he was indicted, and held by him under such guard or guards as the sheriff shall determine to be necessary, and as soon thereafter as possible, said convict shall be, by the said sheriff delivered to the warden of the Maryland Penitentiary, [where he shall be placed in solitary confinement under such guard or guards as might be necessary,] to await the execution of his sentence by the said warden as aforesaid. No expense incident to the detention of the said convict in the Maryland Penitentiary, including the expense of guarding, lodging, feeding, clothing and caring for such convict, shall be assessed against, billed to or paid by the county commissioners of the county where said convict was indicted, or the mayor and city council of Baltimore, if indicted in Baltimore City.

No expense incident to the guarding, lodging, feeding, clothing and caring for any person sentenced to any State institution shall be assessed against, billed to or paid by the county commissioners of the county where such person was indicted, or the mayor and city council of Baltimore, if indicted in Baltimore City, irrespectively of whether or not the judgment, upon which such sentence is imposed, is thereafter reversed.

78.

Upon application of the relatives of the person convicted, the body after execution shall be returned to their address and at their cost, otherwise burial shall be provided for as said warden shall arrange and determine. [From the time of such delivery until the infliction of the punishment of death upon him, unless he shall be lawfully discharged from such sentence, the person so sentenced shall be kept in solitary confinement, and no person shall be allowed access to him without an order of some court of competent jurisdiction, except the officers of the prison, his counsel, his physician, a priest or