

I am informed by the Attorney General that House Bill 392 is constitutionally defective. For the reasons given in the attached copy of the Attorney General's opinion, which is to be considered a part of this message, I believe that the measure must be vetoed.

Sincerely,

/s/ MARVIN MANDEL,
Governor.

Letter from State Law Department on House Bill 392

May 11, 1970.

The Honorable Marvin Mandel
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: House Bill 392

Dear Governor Mandel:

At your request, we have reviewed the provisions of House Bill 392, and it is our opinion that this legislation, as passed, is constitutionally vague.

The bill proposes the addition of Section 452A to Article 27 of the Annotated Code of Maryland to provide that no unauthorized person shall interfere with or broadcast on any police or fire radio broadcast.

The constitutional problem with this statute is that the term "unauthorized person" is not defined. As originally drafted, Section (b) excluded certain specific groups of persons and it could have been argued that by inference all other persons or groups were "unauthorized". But this section was deleted prior to final enactment.

A penal statute which is so vague that persons of ordinary intelligence must necessarily guess at its meaning violates the constitutional guaranty of due process of law, *State v. Magaha*, 182 Md. 122 (1943); *Glickfeld v. State*, 203 Md. 400 (1953). And if the statute is so vague and indefinite that a person could not know when he might be held to have violated it, it is unconstitutional, *Police Commissioner of Baltimore City v. Siegel Enterprises, Inc.*, 223 Md. 110 (1960), cert. den., 364 U.S. 909.

I believe that this statute, finally enacted, fails to meet the necessary test and is unconstitutional.

Very truly yours,

/s/ FRANCIS B. BURCH
Attorney General.

House Bill No. 489—Repeal of Abortion Laws

AN ACT to repeal Sections 149E, ~~149F~~ and 149G of Article 43 of the Annotated Code of Maryland (1969 Supplement), title "Health,"