

May 28, 1971.

Honorable Thomas Hunter Lowe  
Speaker of the House of Delegates  
State House  
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 149.

This bill would make it a criminal offense "for any adult willfully to contribute to, encourage, or tend to cause by any act or omission any condition which would bring a child within the provisions of" Article 26 of the Annotated Code of Maryland "regardless of whether the child is actually brought thereunder."

The Attorney General has advised me that House Bill 149 is of doubtful constitutionality because of its vagueness and its failure to appraise as to what conduct is being prohibited. 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 House Bill 149 must be vetoed.

Sincerely,

/s/ MARVIN MANDEL,  
Governor.

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Letter from State Law Department on House Bill No. 149

May 12, 1971.

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

Dear Governor Mandel:

We have reviewed House Bill No. 149 which would add new Section 70-27 to Article 26 of the Annotated Code, subtitled "Juvenile Causes". The new section to be added at the end of the present law would create a new criminal offense in the following terms:

"It should be unlawful for any adult willfully to contribute to, encourage, or tend to cause by any act or omission any condition which would bring a child within the provisions of this subtitle regardless of whether the child is actually brought thereunder. Upon conviction of a violation of the provisions of this section, the adult shall be punished by a fine not exceeding \$500.00, or imprisoned for not more than two years, or both fined and imprisoned."

The proposed statute must be considered under the constitutional principle that criminal statutes must be sufficiently clear so as to reasonably appraise as to what conduct is being proscribed. This principle was restated by Chief Justice Burger in the recent case of