

"Crimes and Punishments," subtitle "Crimes and Punishments," sub-heading "Desertion of Wife or Child," and to add new Sections 66Q through 66S 66U to Article 16 of the Annotated Code of Maryland (1966 Replacement Volume), title "Chancery," to follow immediately after Section 66P thereof and to be under the new subtitle "Desertion of Wife or Child," to delete generally from the Code of crime of desertion of wife or child, to provide that no person shall desert his wife or children or both without just cause, to provide procedures for civil remedies for desertion, to provide that the jurisdiction's State's attorney shall represent free of charge complainants who are indigent or who are state welfare officials and that court costs in such cases need not be paid in advance, TO PROVIDE A PUNISHMENT FOR A DEFENDANT WHO VIOLATES THE TERMS OF A SUPPORT ORDER, TO PROVIDE THAT ANY SUPPORT ORDER SHALL CONSTITUTE A LIEN ON THE EARNINGS OF THE DEFENDANT, to provide that persons under disabilities are sui juris for purposes of this subtitle, and generally relating to treating desertion in equity.

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 906.

This bill repeals the crimes of desertion and non-support of a wife or children, and provides for civil remedies for all such complaints to be heard in a court of equity.

House Bill 755, which was enacted by the General Assembly and signed by me on April 29, 1971, authorizes the Division of Correction to establish an extended work release program for inmates sentenced to the jurisdiction of the Division for desertion or non-support. These two bills are obviously inconsistent, in that House Bill 906 makes desertion and non-support a civil matter while House Bill 755 retains them as crimes.

Moreover, I feel that this legislation has other fundamental defects. First, by placing desertion and non-support exclusively in the equity courts, the effectiveness of enforcement in this area is diminished because there would be no resort to police departments for warrants when an errant father and husband cannot be located or is evading service of process. Furthermore, House Bill 906 is silent in many respects concerning the actual transition involved in transferring desertion and non-support from the criminal to the civil docket. This legislation makes no provision for converting existing criminal court orders into equity orders, and it fails to set forth any procedure to dispose of open cases involving violations of probation for non-support.

Finally, Miss Lucy Ann Garvey, Master of the Domestic Relations Division of the Supreme Bench of Baltimore City, has requested that