

or part of the time the person has been on probation) in the event the probation is subsequently revoked.

There is, initially, some question as to whether, as worded, the bill is adequate to achieve this objective. It would have been clearer if Section 641 had been amended.

Assuming, however, that the bill would be interpreted to accomplish its objective, I am advised that it would likely have the effect of Constitutionality requiring the assistance of counsel at all revocation hearings, thereby placing a heavy fiscal and administrative burden on the Public Defender's Office. At present, counsel is not constitutionally required at such hearings, because once the court finds from the facts that a violation has occurred and decides to revoke the probation, it merely reinstitutes the suspended sentence without change. If the Court has discretion to reduce the effective sentence by granting a credit against it, there is serious concern that the proceeding may become a "critical" one in a Constitutional sense, thereby requiring counsel, since the assistance of counsel may be effective in persuading the Court to impose something less than the full sentence earlier suspended.

I agree with the intent of House Bill 450. However, I do not believe that the General Assembly considered its effects fully. The sponsor of House Bill 450 has advised me that, in light of the problems brought to my attention and to his attention, he has no objection to a veto of House Bill 450.

For these reasons, I have decided to veto House Bill 450.

Sincerely,
Marvin Mandel
Governor

House Bill No. 526 - State Athletic Commission
Revenues

AN ACT concerning

State Athletic Commission - License Fees

FOR the purpose of providing that revenues received by