

To the extent that sixteen and seventeen year old youths require incarceration in a penal institution for any length of time, the law of Maryland currently authorizes the juvenile court to waive its jurisdiction to the criminal court so that such youths may be tried and sentenced precisely as if they were adults. I support the waiver of a juvenile court's jurisdiction in proper cases, and if it is demonstrated to my satisfaction that liberalization of the waiver provisions are necessary for the protection of the public, I will support such legislation. Similarly, if it is demonstrated, to my satisfaction, that the lowering of the juvenile court jurisdictional age is necessary for public safety, I will endorse such measures.

In the meantime, the issue presented by House Bill 1263 is not whether hard core sixteen and seventeen year old delinquents may be incarcerated in Prince George's County - under present law, they clearly may and properly should be. Rather, the serious constitutional and policy issue presented by this measure is whether the juvenile court, clothed in its therapeutic guise and offering youthful respondents less than the full protections accorded criminal defendants, properly may exercise its jurisdiction for the purpose of imposing criminal sanctions.

Indeed, even assuming the invalidity of the serious constitutional and policy objections which have been raised in opposition to House Bill 1263, 2/ since the bill is effective for fiscal year 1980 only and since it expressly prohibits the expenditure of state capital project funds for the purpose of converting any part of the existing Prince George's County Detention Center (nee County Jail) into a juvenile detention or correctional center, the County's inability to fund renovations of the facility in fiscal year 1980 assures that House Bill 1263 will never operate. In short, the guaranteed absence of local funding renders the measure a statutory illusion.

For these reasons, although I recognize House Bill 1263 as a good faith attempt to offer a novel remedy to a significant problem, I have decided to veto the measure.

Sincerely,
Harry Hughes
Governor

1/ In particular, the report stated, "i/t is our conclusion, based upon the review of the legislation and the tour of the jail that the method of housing juveniles in this facility is currently in violation