

HARRY HUGHES, Governor

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the court may not appoint an attorney who is with the Office of the Public Defender; and providing that if the court appoints private counsel, legal fees and expenses are to be paid by the ~~county-ex--the--City--of Baltimore~~ administrative office of the courts.

May 27, 1980

Honorable James Clark, Jr.
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 78.

This bill provides that when the Public Defender's Office declines to represent an indigent person entitled to representation the Court may not appoint an attorney who is with the Public Defender's Office; and further provides that if the Court appoints private counsel, legal fees and expense are to be paid by the Administrative Office of the Courts.

Under the present language of Article 27A it seems clear that a judge cannot appropriately appoint counsel for a non-indigent defendant, nor can the Public Defender represent such a person. Senate Bill 78 seems to authorize a court to appoint private counsel for a defendant who does not meet the standard of indigency. After conducting a public hearing and thoroughly analyzing the provisions of this bill, I feel that the effects of the bill would be to establish questionable public policy and create a substantial additional financial burden on the taxpayers of the State. These results were not intended by the sponsor.

A secondary purpose for the bill was to require the Administrative Office of the Courts to furnish the General Assembly with information as to why judges appoint counsel when the Public Defender declines representation. I do not feel that legislation is required to achieve this objective. The Chief Judge of the Court of Appeals has assured me that he will endeavor to obtain this information.

Accordingly, while I recognize and share the legitimate concerns of the General Assembly in this regard, I have decided to veto Senate Bill 78.

Sincerely,
Harry Hughes
Governor
