

Harry Hughes
Governor

May 14, 1981

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: House Bill 486

Dear Governor Hughes:

The title of House Bill 486 states a purpose of

"requiring the District Court or a circuit court in this State to continue a certain temporary ex parte order with respect to domestic violence for a certain period of time under certain circumstances." (Emphasis supplied).

There is no requirement, however, in the bill that the court continue an ex parte order. Rather, the body of the bill would permit the court to do so under certain circumstances.

Article III, Section 29 of the Constitution of Maryland requires that:

"... every Law enacted by the General Assembly shall embrace one subject and that shall be described in its title."

The Court of Appeals has stated that this provision requires that a bill's title "must not be misleading by apparently limiting the enactment to a much narrower scope than the body of the Act is made to encompass" Painter v. Mattfeldt, 119 Md. 466, 474 (1913). In weighing the adequacy of a title, the Court has frequently inquired whether it was sufficient to put legislators and the public "on notice" of its intended provisions. Dinneen v. Rider, 152 Md. 343, 358 (1927); Quenstedt v. Wilson, 173 Md. 11, 22 (1937).

Clearly, the title is misleading in its failure to put readers "on notice" as to the provisions of the Act. As the discretionary authority contained in the body of the bill goes well beyond the narrow scope of the title, we conclude that the title is defective and that House Bill 486 is unconstitutional in its failure to comply with Article III, Section 29 of the Constitution of Maryland.

Very truly yours,
Stephen H. Sachs
Attorney General