

WHEREAS, Prior to July 1, 1974, the awarding of pre-trial incarceration credit was discretionary with the sentencing judge; and

WHEREAS, The United States District Court of Maryland on February 18, 1974 in the case of Mohr et al v. Jordan et al (370 F. Supp. 1149, affirmed by the United States Court of Appeals for the Fourth Circuit unreported, No. 74-1496, July 31, 1974) decided that the discretionary awarding of pretrial incarceration credit, as practiced in Maryland prior to July 1, 1974, was unconstitutional, and decreed that "time spent in custody awaiting trial must be credited toward both the sentence eventually imposed and a prisoner's minimum parole eligibility date"; and

WHEREAS, The applicability of this decision of the Federal Court was limited to the prisoners who were plaintiffs in that suit; and

WHEREAS, There are other prisoners now confined in penal institutions and on parole in this State who were sentenced prior to July 1, 1974, who may not have been awarded pretrial incarceration credit by the sentencing judge; and

WHEREAS, In order to avoid a multiplicity of possible actions against the State by other prisoners and to apply evenly the Constitutional principles announced by the Federal Court, it appears both fair, reasonable and desirable to extend to prisoners sentenced prior to July 1, 1974, the benefits of Chapter 735 of the Acts of 1974;

NOW, THEREFORE, I, MARVIN MANDEL, GOVERNOR OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND, HEREBY PROMULGATE THE FOLLOWING ORDER:

For the purpose of computing the time to be served by a prisoner as well as the time when he or she is eligible for parole, credit shall be granted, upon request, to any person sentenced by the courts of Maryland prior to July 1, 1974, for the period of time spent by such person in pre-trial custody as a result of the charge for which sentence was imposed or as a result of the conduct on which the charge was based.

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