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Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Courts - Trial Jury Improvement Act of 2005 Juries - Juror Payment**

3 FOR the purpose of ~~requiring the State Court Administrator to assess a certain~~  
 4 ~~surcharge on certain civil cases; authorizing the Court of Appeals to designate in~~  
 5 ~~the Maryland Rules certain types of civil cases, with certain exceptions, for~~  
 6 ~~which a certain surcharge applies; prohibiting a certain employer from~~  
 7 ~~requiring an employee summoned for certain jury service to use certain~~  
 8 ~~accumulated leave for that service; altering the State per diem payment for~~  
 9 ~~certain jurors after a certain date under certain circumstances; requiring a~~  
 10 ~~circuit court to modify, by a certain date, its juror selection plan to alter the~~  
 11 ~~amount of time a juror serves on a certain jury; allowing a circuit court to apply~~  
 12 ~~for an exemption to the modification under certain circumstances; authorizing~~  
 13 ~~the Court of Appeals to grant a circuit court a certain exemption under certain~~  
 14 ~~circumstances; requiring a prospective juror to provide certain additional~~  
 15 ~~information on a certain form and certain documentation under certain~~  
 16 ~~circumstances; altering, after a certain date, a certain limit on the frequency of~~  
 17 ~~petit jury service; establishing procedures for seeking a postponement of certain~~  
 18 ~~jury service; requiring a prospective juror to set a date certain with the jury~~  
 19 ~~commissioner or clerk of court to complete the postponed service; limiting the~~  
 20 ~~reasons a juror may request a subsequent postponement; establishing~~  
 21 ~~procedures for a prospective juror requesting a subsequent postponement;~~  
 22 ~~requiring a prospective juror to set a date certain to complete the subsequent~~  
 23 ~~postponed service; establishing certain penalties for failure to take certain~~  
 24 ~~action regarding postponed jury service; requiring a jury commissioner or clerk~~

1 of court to grant a postponement of jury service to a prospective juror under  
 2 certain conditions related to employment; altering certain reasons for a  
 3 prospective juror to be excused from certain jury service; limiting the reasons for  
 4 seeking an excuse from jury service under certain circumstances; authorizing a  
 5 jury judge to require certain documentation for excusing certain jury service;  
 6 defining certain terms; making stylistic changes; making the provisions of this  
 7 Act severable; providing for the application of this Act; and generally relating to  
 8 jury selection procedures and payment for service on a jury.

9 BY repealing and reenacting, with amendments,  
 10 Article - Courts and Judicial Proceedings  
 11 Section ~~7-202(d), 8-105, 8-105 and 8-106, 8-202(5)(i)1.C., 8-207, 8-209, and~~  
 12 ~~8-210~~  
 13 Annotated Code of Maryland  
 14 (2002 Replacement Volume and 2004 Supplement)

15 ~~BY repealing and reenacting, without amendments,~~  
 16 ~~Article - Courts and Judicial Proceedings~~  
 17 ~~Section 8-101, 8-201(a), and 8-401(a), (b), and (c)~~  
 18 ~~Annotated Code of Maryland~~  
 19 ~~(2002 Replacement Volume and 2004 Supplement)~~

20 ~~BY adding to~~  
 21 ~~Article - Courts and Judicial Proceedings~~  
 22 ~~Section 8-201(d), 8-209.1, and 8-209.2~~  
 23 ~~Annotated Code of Maryland~~  
 24 ~~(2002 Replacement Volume and 2004 Supplement)~~

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Courts and Judicial Proceedings**

28 ~~7-202.~~

29 (d) (1) ~~The State Court Administrator, as part of the Administrator's~~  
 30 ~~determination of the amount of court costs and charges in civil cases, shall assess [a~~  
 31 ~~surcharge that] THE FOLLOWING:~~

32 ~~{(1)} (I) [May] A SURCHARGE THAT:~~

33 ~~1. MAY not be more than \$25 per case; and~~

34 ~~{(2)} 2. Shall be deposited into the Maryland Legal Services~~  
 35 ~~Corporation Fund established under § 7-408 of this title; AND~~

36 ~~(II) A SURCHARGE OF \$ 25 PER CASE.~~

1           ~~(2) (4) THE COURT OF APPEALS MAY DESIGNATE IN THE MARYLAND~~  
 2 ~~RULES THE TYPES OF CIVIL CASES FOR WHICH THE SURCHARGE AUTHORIZED BY~~  
 3 ~~ITEM (1)(II) OF THIS SUBSECTION APPLIES.~~

4           ~~(II) IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS~~  
 5 ~~PARAGRAPH, THE COURT MAY NOT DESIGNATE TYPES OF CIVIL CASES THAT~~  
 6 ~~INVOLVE THE MINIMAL USE OF COURT RESOURCES AND ARE NOT CUSTOMARILY~~  
 7 ~~TRIED BY JURY, INCLUDING:~~

8                           ~~1. ACTIONS BROUGHT BY GOVERNMENT ATTORNEYS~~  
 9 ~~APPEARING IN THE COURSE OF THEIR OFFICIAL DUTIES;~~

10                           ~~2. ACTIONS BROUGHT BY PRO SE LITIGANTS;~~

11                           ~~3. ACTIONS BROUGHT IN DISTRICT COURT; AND~~

12                           ~~4. CHILD SUPPORT AND CUSTODY CASES.~~

13 ~~8-101.~~

14     ~~(a) In this title the following words have the meanings indicated.~~

15     ~~(b) "Court" means a court in which a jury trial may be held.~~

16 ~~8-105.~~

17     (A) An employer may not deprive an employee of [his] employment solely  
 18 because of job time lost by the employee as a result of responding to a summons  
 19 issued under this title, or as a result of attending court for service or prospective  
 20 service as a petit or grand juror under the provisions of this title.

21     (B) AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO USE THE  
 22 EMPLOYEE'S ANNUAL, VACATION, OR SICK LEAVE TO RESPOND TO A SUMMONS  
 23 ISSUED UNDER THIS TITLE FOR SERVICE ON A PETIT JURY.

24 ~~8-106.~~

25     (a) In this section, "day" means the length of time in any 24-hour period  
 26 during which a juror is required to be in attendance at or in proximity to the court in  
 27 which the juror has been called as a juror.

28     (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
 29 juror shall receive a State per diem amount of \$15 for each day the juror attends  
 30 court.

31           (2) ON OR AFTER JULY 1, ~~2006~~ 2005, A JUROR CALLED TO SERVE AS A  
 32 PETIT JUROR WHO SERVES MORE THAN 5 DAYS FOR A TRIAL SHALL RECEIVE:

33                   (I) A STATE PER DIEM AMOUNT OF \$~~100~~ 15 FOR EACH DAY THE  
 34 JUROR ATTENDS COURT FOR THE FIRST 5 DAYS; AND

1 (II) FOR EACH DAY OF SERVICE MORE THAN 5 DAYS, A STATE PER  
 2 DIEM AMOUNT OF \$50.

3 (c) The government of each county and Baltimore City may supplement the  
 4 State per diem amount by local ordinance.

5 (d) There shall be included in the State budget for the Judicial Branch  
 6 [beginning in fiscal year 2002,] an appropriation to the Administrative Office of the  
 7 Courts in the total amount necessary to pay jurors the State per diem amount.

8 ~~§ 8-201.~~

9 (a) (1) ~~The circuit court of a county shall maintain in operation a written~~  
 10 ~~plan for random selection of grand and petit jurors designed to achieve the objectives~~  
 11 ~~of this title.~~

12 (2) ~~The Court of Appeals from time to time may adopt rules governing~~  
 13 ~~the provisions and the operation of plans formulated under this title.~~

14 (D) (1) (1) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PLAN~~  
 15 ~~SHALL BE MODIFIED TO PROVIDE FOR SUMMONING JURORS, ON OR AFTER JULY 1,~~  
 16 ~~2006, TO SERVE ON PETIT JURIES NOT MORE THAN ONE DAY IN ACTUAL~~  
 17 ~~ATTENDANCE, UNLESS THE JUROR IS SELECTED TO SERVE IN A TRIAL, OR IS UNDER~~  
 18 ~~CONSIDERATION TO SERVE IN A TRIAL AND THE CONSIDERATION LASTS LONGER~~  
 19 ~~THAN ONE DAY.~~

20 (H) ~~ONCE SELECTED, A JUROR SHALL SERVE ON A JURY FOR THE~~  
 21 ~~DURATION OF THE TRIAL UNLESS EXCUSED BY THE JUDGE.~~

22 (2) ~~IF THE POPULATION OF A COUNTY IS INSUFFICIENT TO MEET THE~~  
 23 ~~OBJECTIVE OF THIS SUBSECTION, THE CIRCUIT COURT OF THE COUNTY MAY APPLY~~  
 24 ~~TO THE COURT OF APPEALS FOR AN EXEMPTION FROM THE PLAN MODIFICATION~~  
 25 ~~REQUIRED BY THIS SUBSECTION.~~

26 (3) ~~THE COURT OF APPEALS MAY GRANT THE CIRCUIT COURT OF A~~  
 27 ~~COUNTY AN EXEMPTION FROM THE MODIFICATION REQUIRED UNDER THIS~~  
 28 ~~SUBSECTION.~~

29 ~~§ 8-202.~~

30 ~~Among other things, the juror selection plan referred to in § 8-201 of this~~  
 31 ~~subtitle shall:~~

32 (5) (i) ~~Provide for a "juror qualification form" which asks each~~  
 33 ~~potential juror:~~

34 1. ~~The potential juror's:~~

35 C. ~~Occupation, NUMBER OF FULL TIME EMPLOYEES AT THE~~  
 36 ~~JUROR'S EMPLOYMENT, and occupation of spouse;~~

1 ~~8-207.~~

2 (a) (1) A person may not be disqualified or excused from jury service except  
3 on the basis of information provided by the juror qualification form as it may be  
4 supplemented by an interview or other competent evidence ~~OR ON THE BASIS OF~~  
5 ~~DOCUMENTATION AS MAY BE REQUIRED UNDER § 8-210 OF THIS SUBTITLE.~~

6 (2) ~~The determination of a prospective juror's qualifications shall be~~  
7 ~~made by the jury judge on [his] THE JUDGE'S own initiative, or on the~~  
8 ~~recommendation of the clerk or jury commissioner.~~

9 (3) ~~The clerk shall enter the determination in the space provided on the~~  
10 ~~juror qualification form and on the alphabetical list of names drawn from the master~~  
11 ~~jury wheel.~~

12 (4) ~~If a person did not appear in response to a summons, that fact shall~~  
13 ~~be noted on the list.~~

14 (b) A person is qualified to serve as a juror unless [he] THE PERSON:

15 (1) ~~Is not constitutionally qualified to vote in the county where the court~~  
16 ~~convenes;~~

17 (2) ~~Is unable to read, write, or understand the English language with a~~  
18 ~~degree of proficiency sufficient to fill out satisfactorily the juror qualification form;~~

19 (3) ~~Is unable to speak the English language or comprehend spoken~~  
20 ~~English;~~

21 (4) ~~Is incapable, by reason of physical or mental infirmity, of rendering~~  
22 ~~satisfactory jury service; any person claiming such a disqualification may be required~~  
23 ~~to submit a doctor's certificate as to the nature of the infirmity;~~

24 (5) ~~Has a charge pending against [him] THE PERSON for a crime~~  
25 ~~punishable by a fine of more than \$500, or by imprisonment for more than six~~  
26 ~~months, or both, or has been convicted of such a crime and has received a sentence of~~  
27 ~~a fine of more than \$500, or of imprisonment for more than six months, or both, and~~  
28 ~~has not been pardoned;~~

29 (6) ~~Has a charge pending against [him] THE PERSON for, or has been~~  
30 ~~convicted of, an offense punishable under the provision of § 8-401(e) of this title;~~

31 (7) ~~Is a party in a civil suit, except for those civil actions in which a party~~  
32 ~~is not entitled to a jury trial, pending in the court in which [he] THE PERSON is called~~  
33 ~~to serve;~~

34 (8) ~~Is under 18 years of age; or~~

35 (9) ~~Fails to meet any other objective test prescribed by the Court of~~  
36 ~~Appeals.~~

1 ~~8-209.~~

2 (a) The only persons exempt from jury service are:

3 (1) A member of the organized militia who is certified by the military  
4 department as a member; and

5 (2) A person who is 70 years old or older who has made a written request  
6 to the jury commissioner or clerk for an exemption.

7 (b) Except as provided in subsection (c) of this section, in any 3 year period, a  
8 person may not be required to:

9 (1) Serve or attend court for prospective service as a petit juror for more  
10 than one term of court, except when necessary to complete service in a particular  
11 case; or

12 (2) Serve on more than one grand jury; or

13 (3) Serve as both a grand and petit juror.

14 (c) (1) ~~[As] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~  
15 ~~AS to any juror who has actually served on a petit jury for less than 5 days, the 3 year~~  
16 ~~limitation on frequency of jury service provided by subsection (b) of this section may~~  
17 ~~be reduced to not less than 1 year by appropriate provision in a juror selection plan~~  
18 ~~adopted under § 8-201 of this [article] SUBTITLE.~~

19 (2) ~~ON OR AFTER JULY 1, 2006, A JUROR SELECTION PLAN FOR SERVING~~  
20 ~~ON A PETIT JURY SHALL:~~

21 (I) ~~PROVIDE FOR A 2 YEAR LIMITATION ON FREQUENCY OF JURY~~  
22 ~~SERVICE; AND~~

23 (II) ~~BE MODIFIED IN ACCORDANCE WITH § 8-201(D) OF THIS~~  
24 ~~SUBTITLE.~~

25 ~~8-209.1.~~

26 (A) ~~ON OR AFTER JULY 1, 2006, A PERSON SUMMONED TO PETIT JURY SERVICE~~  
27 ~~MAY REQUEST A POSTPONEMENT OF SERVICE FROM THE JURY COMMISSIONER OR~~  
28 ~~THE CLERK OF COURT.~~

29 (B) ~~WITHIN 5 DAYS OF RECEIVING THE SUMMONS, A PROSPECTIVE JUROR~~  
30 ~~SHALL CONTACT THE JURY COMMISSIONER OR THE CLERK IN PERSON, IN WRITING,~~  
31 ~~BY TELEPHONE, OR BY ELECTRONIC MAIL TO REQUEST THE POSTPONEMENT.~~

32 (C) (1) ~~THE JURY COMMISSIONER OR THE CLERK SHALL APPROVE A~~  
33 ~~POSTPONEMENT OF PETIT JURY SERVICE FOR A PROSPECTIVE JUROR ONE TIME.~~

34 (2) ~~AT THE TIME OF THE APPROVAL OF THE POSTPONEMENT, THE JURY~~  
35 ~~COMMISSIONER OR THE CLERK AND THE PROSPECTIVE JUROR SHALL FIX A DATE~~

1 CERTAIN WHEN COURT IS IN SESSION WITHIN 6 MONTHS FROM THE DATE THE  
2 PROSPECTIVE JUROR WAS ORIGINALLY SUMMONED FOR THE JUROR TO COMPLETE  
3 PETIT JURY SERVICE.

4 (D) (1) A PERSON SEEKING A SUBSEQUENT POSTPONEMENT OF PETIT JURY  
5 SERVICE SHALL CONTACT THE JURY JUDGE.

6 (2) THE JURY JUDGE MAY NOT APPROVE A POSTPONEMENT UNDER THIS  
7 SUBSECTION UNLESS THE PROSPECTIVE JUROR HAS A DEATH IN THE FAMILY OR A  
8 SUDDEN GRAVE ILLNESS, OR UNLESS THERE IS A NATURAL DISASTER OR NATIONAL  
9 EMERGENCY IN WHICH THE PROSPECTIVE JUROR IS INVOLVED.

10 (3) BEFORE APPROVING THE POSTPONEMENT UNDER THIS  
11 SUBSECTION, THE JURY JUDGE AND THE PROSPECTIVE JUROR SHALL FIX A DATE  
12 CERTAIN WHEN COURT IS IN SESSION WITHIN 6 MONTHS OF THE DATE OF THE  
13 POSTPONEMENT FOR THE JUROR TO COMPLETE PETIT JURY SERVICE.

14 (E) A PROSPECTIVE JUROR WHO FAILS TO APPEAR WHEN SUMMONED AND  
15 FAILS TO OBTAIN A POSTPONEMENT OR APPEAR ON THE DATE CERTAIN TO  
16 COMPLETE PETIT JURY SERVICE IS SUBJECT TO THE PROVISIONS OF § 8-401 OF THIS  
17 TITLE.

18 ~~8-209.2.~~

19 (A) ON OR AFTER JULY 1, 2006, ON NOTIFICATION BY THE PROSPECTIVE  
20 JUROR OR THE JUROR'S EMPLOYER, THE JURY COMMISSIONER OR THE CLERK SHALL  
21 GRANT A POSTPONEMENT TO A PERSON SUMMONED TO PETIT JURY SERVICE IF:

22 (1) THE PERSON'S EMPLOYER HAS NOT MORE THAN 10 FULL TIME  
23 EMPLOYEES; AND

24 (2) ANOTHER EMPLOYEE OF THE SAME EMPLOYER HAS BEEN  
25 SUMMONED TO APPEAR FOR GRAND JURY OR PETIT JURY SERVICE FOR THE SAME  
26 PERIOD.

27 (B) THE JURY COMMISSIONER OR THE CLERK MAY REQUIRE  
28 DOCUMENTATION OF THE EMPLOYER'S NUMBER OF FULL TIME EMPLOYEES AND  
29 THE ISSUANCE OF A PETIT JURY SUMMONS TO THE OTHER EMPLOYEE.

30 (C) A POSTPONEMENT GRANTED UNDER THIS SECTION MAY NOT AFFECT A  
31 PERSON'S RIGHTS UNDER § 8-209.1 OF THIS SUBTITLE.

32 ~~8-210.~~

33 (a) (1) Any person summoned for jury service ON A GRAND JURY may be  
34 excused by the jury judge if the person shows that undue hardship, extreme  
35 inconvenience, or public necessity require [his] THE excuse, but only for the period  
36 the jury judge deems necessary.

1           (2)     At the conclusion of this period the person shall be summoned again  
2 for jury service under the provisions of § 8-208 of this [title] SUBTITLE.

3     (B)     (1)     (I)     IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
4 MEANINGS INDICATED.

5                     (II)     "UNDUE OR EXTREME FINANCIAL HARDSHIP" MEANS THE  
6 PROSPECTIVE JUROR, BY SERVING AS A JUROR, WOULD BE:

7                             1.     ABANDONING A PERSON UNDER THE PERSONAL  
8 SUPERVISION OR CARE OF THE PROSPECTIVE JUROR BECAUSE OF THE  
9 IMPOSSIBILITY OF FINDING A SUBSTITUTE CAREGIVER FOR THE PERIOD OF THE  
10 JURY SERVICE; OR

11                            2.     INCURRING COSTS THAT WOULD HAVE A SUBSTANTIAL  
12 ADVERSE EFFECT ON THE PAYMENT OF THE PROSPECTIVE JUROR'S DAILY LIVING  
13 EXPENSES OR ON AT LEAST ONE INDIVIDUAL FOR WHOM THE PROSPECTIVE JUROR  
14 PROVIDES THE PRINCIPAL MEANS OF SUPPORT.

15                           (III)     "UNDUE OR EXTREME PHYSICAL HARDSHIP" MEANS A MENTAL  
16 OR PHYSICAL CONDITION OF A PROSPECTIVE JUROR OR A PERSON UNDER THE  
17 PERSONAL SUPERVISION OR CARE OF THE PROSPECTIVE JUROR THAT CAUSES THE  
18 PROSPECTIVE JUROR TO BE INCAPABLE OF PERFORMING JURY SERVICE BECAUSE  
19 SERVICE WOULD RESULT IN ILLNESS OR DEATH TO THE PROSPECTIVE JUROR OR TO  
20 THE PERSON UNDER THE PERSONAL SUPERVISION OR CARE OF THE PROSPECTIVE  
21 JUROR.

22           (2)     (I)     AFTER JULY 1, 2006, ANY PERSON SUMMONED FOR JURY  
23 SERVICE FOR A PETIT JURY MAY BE EXCUSED BY THE JURY JUDGE IF THE PERSON  
24 SHOWS THAT UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP REQUIRE  
25 THE PERSON'S EXCUSE, BUT ONLY FOR THE PERIOD THE JURY JUDGE DEEMS  
26 NECESSARY.

27                     (II)     AT THE CONCLUSION OF THIS PERIOD THE PERSON SHALL BE  
28 SUMMONED AGAIN FOR JURY SERVICE UNDER THE PROVISIONS OF § 8-208 OF THIS  
29 SUBTITLE.

30                     (III)     A PERSON MAY NOT BE EXCUSED UNDER THIS SUBSECTION  
31 SOLELY BECAUSE THE PROSPECTIVE JUROR WOULD BE REQUIRED TO BE ABSENT  
32 FROM THE PROSPECTIVE JUROR'S EMPLOYMENT FOR THE PERIOD OF SERVICE.

33           (3)     A JURY JUDGE MAY REQUIRE DOCUMENTATION UNDER THIS  
34 SUBSECTION THAT INCLUDES:

35                             (I)     FEDERAL AND STATE INCOME TAX RETURNS;

36                             (II)     A STATEMENT FROM A LICENSED PHYSICIAN;

37                             (III)     PROOF OF DEPENDENCY OR GUARDIANSHIP; AND



1 (IV) OTHER DOCUMENTS ESTABLISHED BY THE MARYLAND RULES  
2 AS BEING SATISFACTORY DOCUMENTATION.

3 ~~[(b)]~~ (C) Any person summoned for jury service may be excused from a  
4 particular jury:

5 (1) In accordance with rule or law if more jurors are summoned than are  
6 required to be impaneled in a particular case;

7 (2) By the court after a determination that the person may be unable to  
8 render impartial jury service or that [his] THE PERSON'S service would be likely to  
9 disrupt the proceedings;

10 (3) By the court after a determination that the juror's service may  
11 threaten the secrecy of the proceedings or otherwise adversely affect the integrity of  
12 the jury deliberations; but a person may not be excused on this ground unless the  
13 court states on the record its reasons for the excuse and its determination that the  
14 excuse is warranted and will not be inconsistent with §§ 8-102 and 8-103 of this title;

15 (4) By a party upon peremptory challenge as provided by rule or law; or

16 (5) By the court upon a challenge by a party for good cause shown.

17 ~~[(c)]~~ (D) A person may not be disqualified, excused, or excluded from service  
18 in a particular case as a juror of the State by reason of [his] THE PERSON'S beliefs  
19 against capital punishment unless such belief would prevent [his] THE PERSON  
20 returning an impartial verdict according to law.

21 ~~[(d)]~~ (E) No person or class of person may be disqualified, GRANTED A  
22 POSTPONEMENT IN THE CASE OF PETIT JURY SERVICE, excused, or exempted from  
23 service as a juror except under this section [or], § 8-209, § 8-209.1, OR § 8-209.2 of this  
24 [title] SUBTITLE.

25 ~~[(e)]~~ (F) Any person excused from jury service or from a particular jury under  
26 subsection (a), (b), [or] (c), OR (D) of this section is eligible to sit on another jury if the  
27 basis for [his] THE PERSON'S excuse is not relevant to [his] THE PERSON'S ability to  
28 serve on the other jury.

29 ~~[(f)]~~ (G) When a person is disqualified or excused from jury service, the jury  
30 commissioner or clerk shall note the specific reason in the space provided on [his]  
31 THE PERSON'S juror qualification form or on the juror's card drawn from the qualified  
32 jury wheel.

33 ~~8-401.~~

34 (a) An employer who violates the provisions of § 8-105 of this title may be  
35 fined not more than \$1,000.

36 (b) A person summoned to fill out a juror qualification form, or a person  
37 summoned for jury service who fails to appear or complete jury service as directed,

1 shall be ordered by the court to appear forthwith and show cause for his failure to  
2 comply with the summons. A person who fails to show good cause for his  
3 noncompliance with the summons is subject to a fine of not more than \$100 or  
4 imprisonment for not more than three days, or both for each infraction.

5 (e) A person who willfully misrepresents a material fact on a juror  
6 qualification form for the purpose of avoiding or securing service as a juror is subject  
7 to a fine of not more than \$500 or imprisonment for not more than 30 days.

8 ~~SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this~~  
9 ~~Act or the application thereof to any person or circumstance is held invalid for any~~  
10 ~~reason in a court of competent jurisdiction, the invalidity does not affect other~~  
11 ~~provisions or any other application of this Act which can be given effect without the~~  
12 ~~invalid provision or application, and for this purpose the provisions of this Act are~~  
13 ~~declared severable.~~

14 ~~SECTION 3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall be  
15 construed to apply only prospectively and may not be applied or interpreted to have  
16 any effect on or application to service on any petit jury before ~~July 1, 2006~~ the  
17 effective date of this Act.

18 ~~SECTION 4.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
19 effect July 1, 2005.