
By: **Delegates Zirkin, Morhaim, and Finifter**
Introduced and read first time: February 12, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prospective Jurors - Primary Source - Motor Vehicle Administration Lists**

3 FOR the purpose of altering the primary source from which prospective jurors are
4 selected to the lists of individuals who have received a driver's license or
5 identification card from the Motor Vehicle Administration; requiring that the
6 Administration make the lists available to jury commissioners or clerks of the
7 courts at no cost; making stylistic changes; providing for a delayed effective
8 date; and generally relating to the selection of prospective jurors.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 8-102(b), 8-104, 8-202, and 8-204
12 Annotated Code of Maryland
13 (1998 Replacement Volume)

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

16 **Article - Courts and Judicial Proceedings**

17 8-102.

18 (b) Every [citizen] INDIVIDUAL of this State who [maintains his name on the
19 roll of voters registered for State elections] IS AT LEAST 18 YEARS OLD AND HAS BEEN
20 ISSUED:

21 (1) A DRIVER'S LICENSE FROM THE MOTOR VEHICLE ADMINISTRATION;
22 OR

23 (2) AN IDENTIFICATION CARD FROM THE MOTOR VEHICLE
24 ADMINISTRATION has:

25 [(1)] (I) The opportunity to serve on grand and petit juries; and

26 [(2)] (II) The obligation to serve when summoned as a juror.

1 8-104.

2 (A) The jury commissioner or the clerk of the court shall select the names of
3 prospective jurors from among [those persons 18 years old or older whose names
4 appear on the voter registration lists,];

5 (1) THE LIST OF INDIVIDUALS AT LEAST 18 YEARS OLD WHO HAVE BEEN
6 ISSUED A DRIVER'S LICENSE BY THE MOTOR VEHICLE ADMINISTRATION;

7 (2) THE LIST OF INDIVIDUALS AT LEAST 18 YEARS OLD WHO HAVE BEEN
8 ISSUED AN IDENTIFICATION CARD BY THE MOTOR VEHICLE ADMINISTRATION; and

9 (3) [from such additional] ADDITIONAL sources permitted by a plan
10 adopted under § 8-201 OF THIS TITLE.

11 (B) Volunteers for jury service shall be refused, and recommendations, if made,
12 may not be accepted.

13 8-202.

14 (A) (1) Among other things, the juror selection plan referred to in § 8-201 OF
15 THIS SUBTITLE shall[:

16 (1) Either] designate a jury commissioner[,] or authorize the clerk of
17 the court[,] to manage the jury selection process.

18 (2) If a jury commissioner is designated, the manner of his appointment
19 shall be established by the plan and his compensation set by law.

20 (3) The clerk of the court or the jury commissioner[,] shall act under the
21 supervision and control of a jury judge who is the administrative judge or another
22 judge of the circuit court of the county as provided by the plan[;].

23 [(2) Specify]

24 (B) (1) THE JUROR SELECTION PLAN REFERRED TO IN § 8-201 OF THIS
25 SUBTITLE SHALL SPECIFY detailed procedures to be followed by the jury
26 commissioner or clerk of the court in selecting names from [the voter registration
27 lists] AMONG:

28 (I) THE LIST OF INDIVIDUALS AT LEAST 18 YEARS OLD WHO HAVE
29 BEEN ISSUED A DRIVER'S LICENSE BY THE MOTOR VEHICLE ADMINISTRATION;

30 (II) THE LIST OF INDIVIDUALS AT LEAST 18 YEARS OLD WHO HAVE
31 BEEN ISSUED AN IDENTIFICATION CARD BY THE MOTOR VEHICLE ADMINISTRATION;
32 or

33 (III) [from other] OTHER sources as are necessary to carry out the
34 policy of §§ 8-102 and 8-103 of this title.

1 (2) These procedures shall be designed to assure the random selection of
2 a fair cross section of the citizens of the State who reside in the county where the
3 court convenes.

4 [(i)] (3) (I) Persons selected to be mailed juror qualification
5 forms under § 8-206 of this subtitle may be obtained by a random selection process
6 that provides the names directly from the source list, as provided for in § 8-204 of this
7 subtitle, if a properly programmed electronic data processing system or device is used.

8 (II) The source list used for this selection process shall be the most
9 recent available.

10 (III) If this method is not used, a master jury wheel or a device
11 similar in purpose and function such as an electronic data processing system or device
12 may be used.

13 [(ii)] (C) (1) (I) The juror selection plan shall specify a minimum
14 number of names, selected at random, to be placed initially in the master jury wheel,
15 which shall be at least 1/2 of 1 percent of the total number of persons on the lists used
16 as sources of names for the county[; but if].

17 (II) IF this number of names is cumbersome and unnecessary, or
18 inadequate, the plan may fix a smaller or larger number of names to be placed in the
19 master wheel.

20 (2) In all cases the number shall be at least 150.

21 (3) The jury judge may order additional names, selected at random, to be
22 placed in the master jury wheel as he considers necessary.

23 (4) The plan shall provide for periodic emptying and refilling of the
24 master jury wheel at specified times and shall assure that this periodic refilling
25 places in the master jury wheel names from voter registration lists used in the
26 general election preceding the time of refilling[;].

27 [(3)] (D) THE JUROR SELECTION PLAN SHALL:

28 (1) Specify the time when the names drawn from the qualified jury
29 wheel are disclosed to the public. Notwithstanding any other provision of law, the
30 name, address, age, sex, education, occupation, and occupation of spouse[,] of each
31 person whose name is drawn from the qualified jury wheel shall be made public,
32 unless the jury judge determines in any case that the interest of justice requires that
33 this information remain confidential;

34 [(4)] (2) Determine the method for allocating names drawn from the
35 qualified jury wheel between the grand and petit juries; AND

36 [(5)] (i) (3) Provide for a "juror qualification form" which asks each
37 potential juror:

- 1 [1.] (I) The potential juror's:
- 2 [A.] 1. Name, address, age, sex, and education;
- 3 [B.] 2. Race, religion, national origin;
- 4 [C.] 3. Occupation and occupation of spouse;
- 5 [D.] 4. Length of residence within the county; and
- 6 [E.] 5. Prior jury service;
- 7 [2.] (II) Whether the potential juror should be excused from
- 8 jury service because the individual has any physical or mental infirmity impairing
- 9 the individual's capacity to serve as a juror;
- 10 [3.] (III) If the potential juror is able to read, write, speak,
- 11 and understand the English language;
- 12 [4.] (IV) If the potential juror has pending against the
- 13 individual any charge for the commission of, or has been convicted in any state or
- 14 federal court of record, of a criminal offense other than a minor traffic offense (i.e.,
- 15 one punishable by a fine of \$500 or less or imprisonment for six months or less) and
- 16 has not been legally pardoned; and
- 17 [5.] (V) Any other questions not inconsistent with the
- 18 provisions of this title, required by the juror selection plan in the interests of the
- 19 sound administration of justice.
- 20 [(ii)] (E) (1) The POTENTIAL juror shall certify under penalty of
- 21 perjury that [his] THE JUROR'S responses TO THE QUESTIONS ON THE JUROR
- 22 QUALIFICATION FORM are true to the best of [his] THE JUROR'S knowledge.
- 23 (2) Notarization OF THE JUROR'S SIGNATURE is not required.
- 24 [(iii)] (3) The JUROR QUALIFICATION form shall make clear to the
- 25 person that furnishing any information with respect to [his] THE JUROR'S race,
- 26 religion, or national origin is not a prerequisite to [his] THE POTENTIAL JUROR'S
- 27 qualifications for jury service[,] and that this information need not be furnished if
- 28 the person finds it objectionable to do so.
- 29 8-204.
- 30 [Any State or local official who has custody, possession, or control of voter
- 31 registration lists shall make the lists and records available to the jury commissioner
- 32 or clerks for inspection and copying at any reasonable time.]
- 33 (A) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL MAKE AVAILABLE TO
- 34 THE JURY COMMISSIONER OR CLERKS OF THE COURTS FOR INSPECTION AND
- 35 COPYING AT ANY REASONABLE TIME:

1 (I) THE LIST OF INDIVIDUALS WHO ARE AT LEAST 18 YEARS OLD
2 AND HAVE BEEN ISSUED A DRIVER'S LICENSE BY THE MOTOR VEHICLE
3 ADMINISTRATION; AND

4 (II) THE LIST OF INDIVIDUALS WHO ARE AT LEAST 18 YEARS OLD
5 AND HAVE BEEN ISSUED AN IDENTIFICATION CARD BY THE MOTOR VEHICLE
6 ADMINISTRATION.

7 (2) THE LISTS DESCRIBED IN THIS SUBSECTION SHALL BE PROVIDED BY
8 THE MOTOR VEHICLE ADMINISTRATION TO THE JURY COMMISSIONER OR CLERKS OF
9 THE COURTS WITHOUT COST.

10 (B) The circuit court of a county upon application by the Attorney General[,]
11 may compel compliance with this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 January 1, 2000.