

HOUSE BILL 944

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HB 891/99 - JUD

2000 Regular Session
0lr0792
CF 0lr1783

By: **Delegates Zirkin, Giannetti, Leopold, and Morhaim**
Introduced and read first time: February 11, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of expanding the sources from which prospective jurors shall be
4 selected by the jury commissioner or clerk of the court to include lists of certain
5 individuals who have been issued a driver's license or an identification card by
6 the Motor Vehicle Administration; requiring juror selection plans to include lists
7 of certain individuals who have been issued a driver's license or an identification
8 card by the Motor Vehicle Administration; requiring the Administration to make
9 available to the jury commissioners or clerks certain lists without cost; making
10 stylistic changes; providing for a delayed effective date; and generally relating to
11 the selection of prospective jurors.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 8-104, 8-202, and 8-204
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 1999 Supplement)

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

19 **Article - Courts and Judicial Proceedings**

20 8-104.

21 (A) The jury commissioner or the clerk of the court shall select the names of
22 prospective jurors from among:

23 (1) [those] THOSE persons AT LEAST 18 years old [or older] whose
24 names appear on the voter registration lists[.];

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

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

1 (4) [from such additional] ADDITIONAL sources permitted by a plan
2 adopted under § 8-201 OF THIS TITLE.

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

5 8-202.

6 Among other things, the juror selection plan referred to in § 8-201 shall:

7 (1) Either designate a jury commissioner, or authorize the clerk of the
8 court, to manage the jury selection process. If a jury commissioner is designated, the
9 manner of his appointment shall be established by the plan and his compensation set
10 by law. The clerk or the jury commissioner, shall act under the supervision and
11 control of a jury judge who is the administrative judge or another judge of the circuit
12 court of the county as provided by the plan;

13 (2) Specify detailed procedures to be followed by the jury commissioner
14 or clerk in selecting names from the voter registration lists, THE MOTOR VEHICLE
15 ADMINISTRATION LISTS AS SPECIFIED IN § 8-104 OF THIS TITLE, or from other
16 sources as are necessary to carry out the policy of §§ 8-102 and 8-103 of this title.
17 These procedures shall be designed to assure the random selection of a fair cross
18 section of the citizens of the State who reside in the county where the court convenes.

19 (i) Persons selected to be mailed juror qualification forms under §
20 8-206 of this subtitle may be obtained by a random selection process that provides the
21 names directly from the source list, as provided for in § 8-204 of this subtitle, if a
22 properly programmed electronic data processing system or device is used. The source
23 list used for this selection process shall be the most recent available. If this method is
24 not used, a master jury wheel or a device similar in purpose and function such as an
25 electronic data processing system or device may be used.

26 (ii) The plan shall specify a minimum number of names, selected at
27 random, to be placed initially in the master jury wheel, which shall be at least 1/2 of
28 1 percent of the total number of persons on the lists used as sources of names for the
29 county; but if this number of names is cumbersome and unnecessary, or inadequate,
30 the plan may fix a smaller or larger number of names to be placed in the master
31 wheel. In all cases the number shall be at least 150. The jury judge may order
32 additional names, selected at random, to be placed in the master jury wheel as he
33 considers necessary. The plan shall provide for periodic emptying and refilling of the
34 master jury wheel at specified times and shall assure that this periodic refilling
35 places in the master jury wheel names from voter registration lists used in the
36 general election preceding the time of refilling;

37 (3) Specify the time when the names drawn from the qualified jury
38 wheel are disclosed to the public. Notwithstanding any other provision of law, the
39 name, address, age, sex, education, occupation, and occupation of spouse, of each
40 person whose name is drawn from the qualified jury wheel shall be made public,
41 unless the jury judge determines in any case that the interest of justice requires that
42 this information remain confidential;

1 (4) Determine the method for allocating names drawn from the qualified
2 jury wheel between the grand and petit juries;

3 (5) (i) Provide for a "juror qualification form" which asks each
4 potential juror:

5 1. The potential juror's:

6 A. Name, address, age, sex, and education;

7 B. Race, religion, national origin;

8 C. Occupation and occupation of spouse;

9 D. Length of residence within the county; and

10 E. Prior jury service;

11 2. Whether the potential juror should be excused from jury
12 service because the individual has any physical or mental infirmity impairing the
13 individual's capacity to serve as a juror;

14 3. If the potential juror is able to read, write, speak, and
15 understand the English language;

16 4. If the potential juror has pending against the individual
17 any charge for the commission of, or has been convicted in any state or federal court
18 of record, of a criminal offense other than a minor traffic offense (i.e., one punishable
19 by a fine of \$500 or less or imprisonment for six months or less) and has not been
20 legally pardoned; and

21 5. Any other questions not inconsistent with the provisions of
22 this title, required by the juror selection plan in the interests of the sound
23 administration of justice.

24 (ii) The juror shall certify under penalty of perjury that his
25 responses are true to the best of his knowledge. Notarization is not required.

26 (iii) The form shall make clear to the person that furnishing any
27 information with respect to his race, religion, or national origin is not a prerequisite
28 to his qualifications for jury service, and that this information need not be furnished
29 if the person finds it objectionable to do so.

30 8-204.

31 (A) Any State or local official who has custody, possession, or control of voter
32 registration lists shall make the lists and records available to the jury commissioner
33 or clerks for inspection and copying at any reasonable time.

1 (B) (1) THE MOTOR VEHICLE ADMINISTRATION SHALL MAKE AVAILABLE TO
2 THE JURY COMMISSIONER OR CLERKS FOR INSPECTION AND COPYING AT ANY
3 REASONABLE TIME:

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

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

10 (2) THE LISTS DESCRIBED IN THIS SUBSECTION SHALL BE PROVIDED BY
11 THE MOTOR VEHICLE ADMINISTRATION TO THE JURY COMMISSIONER OR CLERKS
12 WITHOUT COST.

13 (C) The circuit court of a county upon application by the Attorney General,
14 may compel compliance with this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect January 1, 2001.