
By: **Delegates Grosfeld, R. Baker, Barkley, Billings, Cole, Gladden,
Hubbard, Menes, and Montague**

Introduced and read first time: February 4, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Equal Access to Justice Act**

3 FOR the purpose of prohibiting a court from excluding involuntarily an individual
4 from attendance at a jury trial of a civil action in which the individual is a party
5 based on certain physical or mental disabilities or conditions under certain
6 circumstances; providing for certain exceptions; and generally relating to a
7 prohibition on exclusion of a party from a jury trial of a civil action under certain
8 circumstances.

9 BY adding to

10 Article - Courts and Judicial Proceedings

11 Section 6-411

12 Annotated Code of Maryland

13 (1998 Replacement Volume and 2001 Supplement)

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 6-411.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
19 COURT MAY NOT EXCLUDE INVOLUNTARILY AN INDIVIDUAL FROM ATTENDANCE AT
20 A JURY TRIAL OF A CIVIL ACTION IN WHICH THE INDIVIDUAL IS A PARTY BASED ON
21 THE PARTY'S:

22 (1) PHYSICAL OR MENTAL DISABILITY;

23 (2) MEDICAL, GENETIC, OR OTHER PHYSIOLOGICAL CONDITION;

24 (3) PHYSICAL APPEARANCE RESULTING FROM AN INJURY;

25 (4) INCAPACITY TO COMPREHEND THE PROCEEDINGS; OR

1 (5) INABILITY TO COMMUNICATE OR PARTICIPATE IN THE TRIAL.

2 (B) SUBSECTION (A) OF THIS SECTION DOES NOT LIMIT THE DISCRETION OF A
3 COURT TO EXCLUDE A PARTY FROM ATTENDANCE AT A JURY TRIAL OF A CIVIL
4 ACTION IF EXCLUSION IS NECESSARY TO:

5 (1) PRESERVE THE DECORUM OF THE PROCEEDINGS; OR

6 (2) ASSURE CONTINUANCE OF ORDERLY PROCEEDINGS BEFORE THE
7 COURT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2002.