

HOUSE BILL 82

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2004 Regular Session  
4r0536

(PRE-FILED)

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By: **Delegate Ross**

Requested: September 12, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Use of Voter Registration Lists for Selection of Prospective Jurors -**  
3 **Prohibited**

4 FOR the purpose of repealing the provision of law that directs the jury commissioner  
5 or the clerk of the court to select the names of prospective jurors from among  
6 certain individuals whose names appear on the voter registration lists in the  
7 State; prohibiting the jury commissioner or the clerk of the court from selecting  
8 the names of prospective jurors from a certain list of individuals whose names  
9 appear on the voter registry; repealing the provision of law that directs any  
10 State or local official who has custody, possession, or control of voter registration  
11 lists to make the lists and records available to the jury commissioner or the clerk  
12 of the court for inspection and copying at any reasonable time; repealing certain  
13 provisions pertaining to a juror selection plan and procedures as it relates to  
14 voter registration lists; repealing a provision that authorizes the court to require  
15 the sheriff to summon additional petit jurors from voter registration lists in the  
16 event of an unanticipated shortage of available petit jurors; and generally  
17 relating to the repeal of certain provisions of law that pertain to the use of voter  
18 registration lists as a source for the selection of prospective jurors.

19 BY repealing and reenacting, with amendments,  
20 Article - Courts and Judicial Proceedings  
21 Section 8-104, 8-202, 8-204, and 8-208  
22 Annotated Code of Maryland  
23 (2002 Replacement Volume and 2003 Supplement)

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

26 **Article - Courts and Judicial Proceedings**

27 8-104.

28 (a) The jury commissioner or the clerk of the court shall select the names of  
29 prospective jurors from among:

1 (1) [Those persons at least 18 years old whose names appear on the  
2 voter registration lists;

3 (2)] The list of individuals at least 18 years old who have been issued a  
4 driver's license by the Motor Vehicle Administration;

5 [(3)] (2) The list of individuals at least 18 years old who have been  
6 issued an identification card by the Motor Vehicle Administration; and

7 [(4)] (3) [Additional] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS  
8 SECTION, ADDITIONAL sources permitted by a plan adopted under § 8-201 of this  
9 title.

10 (B) THE JURY COMMISSIONER OR THE CLERK OF THE COURT MAY NOT  
11 SELECT THE NAMES OF PROSPECTIVE JURORS FROM AMONG THE LIST OF  
12 INDIVIDUALS AT LEAST 18 YEARS OLD WHOSE NAMES APPEAR ON THE VOTER  
13 REGISTRY IN THE COUNTY.

14 [(b)] (C) Volunteers for jury service shall be refused, and recommendations, if  
15 made, may not be accepted.

16 8-202.

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

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

25 (2) Specify detailed procedures to be followed by the jury commissioner  
26 or clerk in selecting names from [the voter registration lists,] the Motor Vehicle  
27 Administration lists as specified in § 8-104 of this [title,] TITLE or from other sources  
28 as are necessary to carry out the policy of §§ 8-102 and 8-103 of this title. These  
29 procedures shall be designed to assure the random selection of a fair cross section of  
30 the citizens of the State who reside in the county where the court convenes.

31 (i) Persons selected to be mailed juror qualification forms under §  
32 8-206 of this subtitle may be obtained by a random selection process that provides the  
33 names directly from the source list, as provided for in § 8-204 of this subtitle, if a  
34 properly programmed electronic data processing system or device is used. The source  
35 list used for this selection process shall be the most recent available. If this method is  
36 not used, a master jury wheel or a device similar in purpose and function such as an  
37 electronic data processing system or device may be used.

38 (ii) The plan shall specify a minimum number of names, selected at  
39 random, to be placed initially in the master jury wheel, which shall be at least ½ of 1

1 percent of the total number of persons on the lists used as sources of names for the  
2 county; but if this number of names is cumbersome and unnecessary, or inadequate,  
3 the plan may fix a smaller or larger number of names to be placed in the master  
4 wheel. In all cases the number shall be at least 150. The jury judge may order  
5 additional names, selected at random, to be placed in the master jury wheel as he  
6 considers necessary. The plan shall provide for periodic emptying and refilling of the  
7 master jury wheel at specified times [and shall assure that this periodic refilling  
8 places in the master jury wheel names from voter registration lists used in the  
9 general election preceding the time of refilling];

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

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

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

- 20 1. The potential juror's:
  - 21 A. Name, address, age, sex, and education;
  - 22 B. Race, religion, national origin;
  - 23 C. Occupation and occupation of spouse;
  - 24 D. Length of residence within the county; and
  - 25 E. Prior jury service;
- 26 2. Whether the potential juror should be excused from jury  
27 service because the individual has any physical or mental infirmity impairing the  
28 individual's capacity to serve as a juror;
- 29 3. If the potential juror is able to read, write, speak, and  
30 understand the English language;
- 31 4. If the potential juror has pending against the individual  
32 any charge for the commission of, or has been convicted in any state or federal court  
33 of record, of a criminal offense other than a minor traffic offense (i.e., one punishable  
34 by a fine of \$500 or less or imprisonment for six months or less) and has not been  
35 legally pardoned; and

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

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

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

10 8-204.

11       (a)       [Any State or local official who has custody, possession, or control of voter  
12 registration lists shall make the lists and records available to the jury commissioner  
13 or clerks for inspection and copying at any reasonable time.

14       (b)]       (1)       The Motor Vehicle Administration shall make available to the jury  
15 commissioner or clerks for inspection and copying at any reasonable time:

16                                   (i)       The list of individuals who are at least 18 years old and have  
17 been issued a driver's license by the Motor Vehicle Administration; and

18                                   (ii)       The list of individuals who are at least 18 years old and have  
19 been issued an identification card by the Motor Vehicle Administration.

20                                   (2)       The lists described in this subsection shall be provided by the Motor  
21 Vehicle Administration to the jury commissioner or clerks without cost.

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

24 8-208.

25       (a)       (1)       The jury commissioner, or the clerk, shall maintain a qualified jury  
26 wheel (or a device similar in purpose and function, including a properly programmed  
27 electronic data processing system or device) and place in this wheel the names of all  
28 persons drawn from the master jury wheel who are determined to be qualified as  
29 jurors under § 8-207 and not exempt under § 8-209 or excused under § 8-210.

30                                   (2)       When necessary, the jury commissioner or the clerk shall publicly  
31 draw at random from the qualified jury wheel the number of names required for  
32 assignment to the petit jury panels and assign those whose names are drawn to the  
33 petit jury panels at random.

34                                   (3)       When necessary, the jury commissioner or the clerk shall publicly  
35 draw at random from the qualified jury wheel, the number of names required for  
36 assignment to a grand jury and assign those whose names are drawn to a grand jury.

1 (b) When it is necessary to draw a grand or petit jury, the clerk or jury  
2 commissioner shall issue a summons for each person drawn for jury service. The  
3 summonses may be served personally, by certified mail, return receipt requested,  
4 bearing a postmark from the United States Postal Service, or by first-class mail.  
5 When mail service is used, the summons shall be addressed to the person drawn for  
6 jury service at his usual residence or business address.

7 [(c) If there is an unanticipated shortage of available petit jurors in the  
8 qualified jury wheel, the court may require the sheriff to summon a sufficient number  
9 of petit jurors selected at random from the voter registration lists in a manner  
10 ordered by the court consistent with §§ 8-102 and 8-103 of this title.]

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2004.