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2004 Regular Session 4lr0536

(PRE-FILED)

By: Delegate Ross

Requested: September 12, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judiciary

1 AN ACT concerning

A BILL ENTITLED

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Courts - Use of Voter Registration Lists for Selection of Prospective Jurors 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
- State or local official who has custody, possession, or control of voter registration
- lists to make the lists and records available to the jury commissioner or the clerk
- of the court for inspection and copying at any reasonable time; repealing certain
- provisions pertaining to a juror selection plan and procedures as it relates to
- voter registration lists; repealing a provision that authorizes the court to require
- the sheriff to summon additional petit jurors from voter registration lists in the
- 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
- 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:

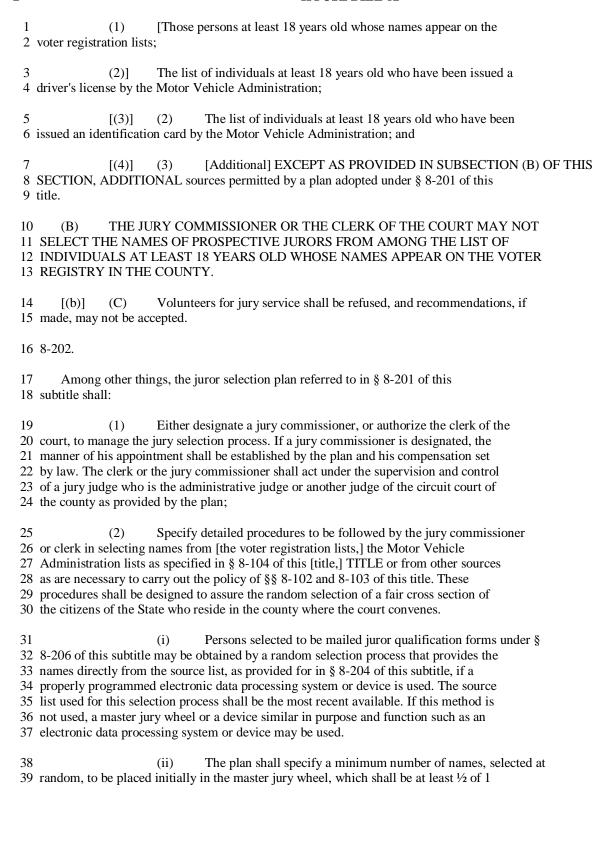
26 Article - Courts and Judicial Proceedings

27 8-104.

28 (a) The jury commissioner or the clerk of the court shall select the names of

29 prospective jurors from among:

HOUSE BILL 82

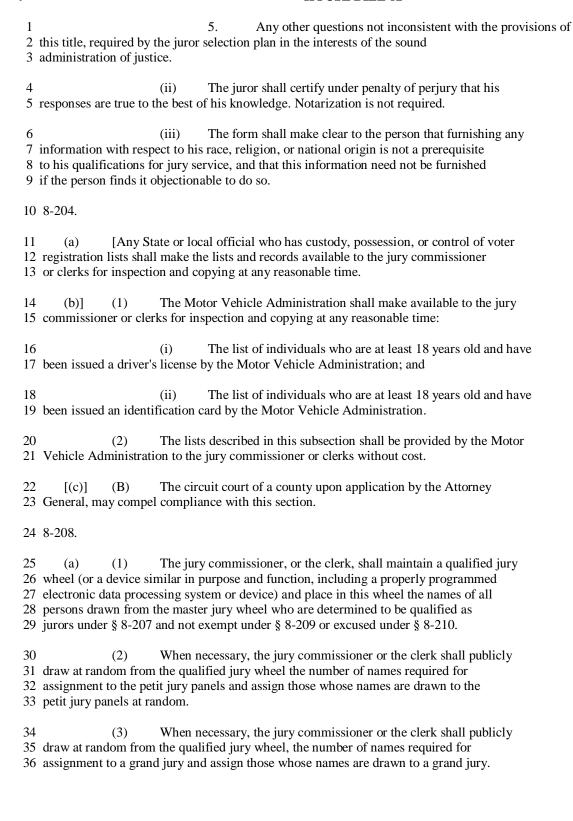


HOUSE BILL 82

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 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 Provide for a "juror qualification form" which asks each (5)(i) 19 potential juror: 20 1. The potential juror's: 21 Name, address, age, sex, and education; A. 22 B. Race, religion, national origin; C. 23 Occupation and occupation of spouse; 24 D. Length of residence within the county; and 25 E. Prior jury service; 2. Whether the potential juror should be excused from jury 26 service because the individual has any physical or mental infirmity impairing the 28 individual's capacity to serve as a juror; 29 If the potential juror is able to read, write, speak, and 30 understand the English language; 31 If the potential juror has pending against the individual 4. 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 percent of the total number of persons on the lists used as sources of names for the

HOUSE BILL 82



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