

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 82  
Judiciary

(Delegate Ross)

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

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This bill prohibits circuit courts from using voter registration lists to select prospective jurors.

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Fiscal Summary

**State Effect:** None. Jury management is operated and financed by the circuit courts.

**Local Effect:** Significant increase in county expenditures because each circuit court must summon a substantially higher number of potential jurors to ensure a satisfactory juror pool for each case. Counties will also have to pay to reprogram computers to separate motor vehicle and voter registration records. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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Analysis

**Current Law:** Jury trials are conducted in circuit court. The jury commissioner or the clerk of court randomly selects the names of prospective jurors from among those persons: (1) at least 18 years old whose names appear on voter registration lists; (2) who have been issued a driver's license or an identification card by the Motor Vehicle Administration (MVA); or (3) whose names appear on other sources listed in each circuit court's plan for random selection of grand and petit jurors.

To qualify for jury service, a person must:

- be eligible to vote in the county where the court convenes;
- be able to read, write, speak, and understand English;
- have no physical or mental infirmity that precludes satisfactory service; and
- not have been indicted for or convicted (without having been pardoned) of any felony, or a misdemeanor relating to juror service.

A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

A person may generally not be required to serve on a jury more than once in any three-year period.

**Background:** States use a number of different sources to compile their prospective juror pools. The majority use both voter registration lists and motor vehicle records, which some states supplement with other lists, such as tax rolls and telephone directories.

**Local Expenditures:** Eliminating voter registration lists as a source of potential jurors will substantially increase the workload of the circuit courts, because they will have to summon substantially more prospective jurors to secure the number of qualified jurors needed for their trials.

Since each prospective juror must be eligible to vote, the use of voter registration lists cuts down on subsequent qualifications a potential juror must demonstrate to qualify for service. In contrast, a substantial number of those holding driver's licenses or identification cards issued by the MVA are not eligible to vote because they are not citizens, have disqualifying felony convictions, or for other reasons. Another difficulty is that counties have found that the county code embedded on each driver's license is frequently inaccurate. As a result, many prospective jurors who are summoned are not qualified to serve in the summoning county and are not summoned in the county in which they are eligible to serve.

While each circuit court will have to summon additional prospective jurors, the numbers will vary by county. For example, the Circuit Court for Baltimore County advises that they currently summon approximately 100,000 prospective jurors per year. They

anticipate that, should this bill be enacted, they will have to summon another 40,000 each year and hire an additional staff person to handle this increase.

Charles County advises that, if this bill is enacted, it is likely that they will be unable to provide jurors with the three-year break from service contemplated under current law.

The automated jury management system used by the courts to select prospective jurors currently merges MVA records with the voter registration database. This system is funded by the circuit courts, which will incur expenses to separate these databases. The Department of Legislative Services advises that if other legislation is passed requiring computer programming changes, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting judicial computer systems. The bill's October 1, 2004 effective date is also cause for concern since circuit courts prepare their prospective voter lists on a calendar year basis.

**Additional Comments:** The Judiciary has expressed concern that this bill could impact on the constitutional requirement that juror polls be drawn from a representative cross-section of the community, which was established by the Supreme Court in *Taylor v. Louisiana*, 419 U.S. 522, 538 (1975).

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore County, Charles County, Prince George's County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - January 22, 2004  
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