
By: **Senators Garagiola, Brochin, Green, Greenip, Haines, Jacobs, Jimeno,
and Mooney**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Trials - Peremptory Challenges**

3 FOR the purpose of altering the number of peremptory challenges permitted in
4 certain criminal trials; and generally relating to jury selection in criminal cases.

5 BY repealing and reenacting, with amendments,
6 Article - Courts and Judicial Proceedings
7 Section 8-301
8 Annotated Code of Maryland
9 (2002 Replacement Volume and 2004 Supplement)

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

12 **Article - Courts and Judicial Proceedings**

13 8-301.

14 (a) In a trial in which the defendant is subject, on any single count, to a
15 sentence of death because notice of intention to seek a sentence of death has been
16 given under § 2-202 of the Criminal Law Article, each defendant is permitted 20
17 peremptory challenges and the State is permitted 10 peremptory challenges for each
18 defendant.

19 (b) In a criminal trial in which the defendant is subject, on any single count, to
20 a sentence of life imprisonment, including a case in which notice of intention to seek
21 a sentence of death has not been given under § 2-202 of the Criminal Law Article,
22 except for common law offenses for which no specific penalty is provided by statute,
23 each defendant is permitted [20] 10 peremptory challenges and the State is
24 permitted 10 peremptory challenges for each defendant.

25 (c) Except as provided in subsections (a) and (b) of this section, in a criminal
26 trial in which the defendant is subject, on any single count, to a sentence of 20 years
27 or more, except for common law offenses for which no specific penalty is provided by

1 statute, each defendant is permitted [10] 5 peremptory challenges and the State is
2 permitted 5 peremptory challenges for each defendant.

3 (d) In all other criminal cases, each party is permitted [4] 5 peremptory
4 challenges.

5 (e) The clerk of the court shall provide a sufficient number of prospective
6 jurors to allow the parties to exercise the peremptory challenges permitted by this
7 section or the Maryland Rules.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
9 trials occurring after the effective date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2005.