
By: **Delegates Menes and Anderson**
 Introduced and read first time: February 9, 2006
 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Appeals - Right to Jury Trial**

3 FOR the purpose of altering a defendant's right to a jury trial in a criminal appeal
4 under certain circumstances; providing for the application of this Act; and
5 generally relating to a defendant's right to a jury trial in a criminal appeal
6 under certain circumstances.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 12-401(g)
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 12-401.

16 (g) In a criminal appeal that is tried de novo, there is [no right to a jury trial
17 unless the offense charged is subject to a penalty of imprisonment or unless there is a
18 constitutional right to a jury trial for that offense] A RIGHT TO A JURY TRIAL IF THE
19 OFFENSE CHARGED ENTITLED THE DEFENDANT IN THE DISTRICT COURT TO
20 REQUEST A JURY TRIAL AND THE DEFENDANT HAS NOT PREVIOUSLY, IN THE
21 DISTRICT COURT OR A CIRCUIT COURT, WAIVED THE DEFENDANT'S RIGHT TO A JURY
22 TRIAL FOR THAT OFFENSE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed to apply only prospectively and may not be applied or interpreted to have
25 any effect on or application to any criminal offense charged before the effective date of
26 this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2006.

