
By: **Chairman, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Jury Selection and Service**

3 FOR the purpose of revising substantively and nonsubstantively the laws relating to
4 juries and selection of jurors, including duties and rights as to jury service,
5 selection policies, a ban against discrimination in selection, a ban against
6 recommendations and volunteers for jury service, qualification criteria,
7 disqualifying factors, construction of provisions, inherent authority of judges as
8 to juries and jurors, effect on postconviction relief, authorized and required jury
9 plan rules and provisions, implementation agreements, jury judges, jury
10 commissioners and acting jury commissioners, jury pools, allocation of grand
11 and trial jurors, summonses, screening for disqualification, excusal, or
12 exemption from, and postponement of, service, multiple service, minimum size
13 of jury and array, supplementary questionnaires, challenges in civil and
14 criminal cases, disqualification by trial judge, temporary excusal of sworn
15 jurors, separation or sequestration, grand juries, assignment and compensation
16 of grand jury court reporters, attendees at grand jury proceedings, certain oaths,
17 transcripts, and investigations in a certain jurisdiction, reimbursement with
18 State per diem and local supplement, budget requirements, certificate of jury
19 commissioner, donations, and prohibited acts and penalties as to employment
20 loss, leave policies, failure to return completed juror qualification forms, to
21 appear for jury service, or to complete jury service, material misrepresentations,
22 records, and access and other disclosures of information; providing for certain
23 misdemeanors to be within the exclusive original jurisdiction of the circuit
24 courts; adding a provision referencing rights and duties of employees in
25 connection with jury service; altering the duties of the State Administrator of
26 Elections or a designee with regard to providing voter registration lists to jury
27 commissioners; altering the duties of the Motor Vehicle Administrator or a
28 designee with regard to providing lists of driver's license and identity card
29 holders and providing notice with vehicle registration information; altering
30 application requirements; requiring cooperation in keeping data current;
31 requiring the Military Department to adopt certain regulations as to exemption
32 of a member of the organized militia from State jury service; altering provisions
33 for disclosure of jury lists to the Director of the Health Claims Arbitration
34 Office; repealing provisions relating to jury terms; deleting a defined term;

1 defining certain terms; repealing inconsistent and obsolete laws; renumbering
2 certain provisions relating to admission of records; making certain stylistic
3 changes; authorizing the publisher of the Annotated Code of Maryland to make
4 certain corrections; establishing that certain catchlines, captions, and
5 Committee Notes in this Act are not law; providing for effective dates of this Act;
6 and generally relating to juries and jury service.

7 BY repealing

8 Article - Courts and Judicial Proceedings
9 Section 2-501(b), 2-503; 8-101 through 8-401, inclusive, and the title "Title 8.
10 Juries"; and 9-118(b)
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2005 Supplement)

13 BY repealing

14 Article - Election Law
15 Section 3-506
16 Annotated Code of Maryland
17 (2003 Volume and 2005 Supplement)

18 BY repealing

19 Article - Transportation
20 Section 12-113(a) and 13-403(b)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2005 Supplement)

23 BY repealing

24 The Public Local Laws of Allegany County
25 Section 32-6 G and H and 53-1 through 53-4, inclusive
26 Article 1 - Public Local Laws of Maryland
27 (1983 Edition and February 2005 Supplement, as amended)

28 BY repealing

29 The Public Local Laws of Baltimore County
30 Section 6-2-101
31 Article 3 - Public Local Laws of Maryland
32 (2003 Edition and December 2005 Supplement, as amended)

33 BY repealing

34 The Public Local Laws of Baltimore City
35 Section 7-8 and 7-10
36 Article 4 - Public Local Laws of Maryland
37 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

1 BY repealing
2 The Public Local Laws of Dorchester County
3 Section 7-2
4 Article 10 - Public Local Laws of Maryland
5 (1984 Edition and January 2005 Supplement, as amended)

6 BY repealing
7 The Public Local Laws of Frederick County
8 Section 2-5-16
9 Article 11 - Public Local Laws of Maryland
10 (2004 Edition and June 2005 Supplement, as amended)

11 BY repealing
12 The Public Local Laws of Garrett County
13 Section 17-1, 58-1, and 58-3 through 58-7, inclusive
14 Article 12 - Public Local Laws of Maryland
15 (1985 Edition and October 2001 Supplement, as amended)

16 BY repealing
17 The Public Local Laws of Howard County
18 Section 7.303 through 7.306, inclusive
19 Article 14 - Public Local Laws of Maryland
20 (1995 Edition and November 2005 Supplement, as amended)

21 BY repealing
22 The Public Local Laws of Montgomery County
23 Section 12-22 through 12-24, inclusive
24 Article 16 - Public Local Laws of Maryland
25 (1997 Edition and December 2005 Supplement, as amended)

26 BY repealing
27 The Public Local Laws of Prince George's County
28 Section 7-101
29 Article 17 - Public Local Laws of Maryland
30 (2003 Edition, as amended)

31 BY repealing
32 The Public Local Laws of Wicomico County
33 Section 13-2
34 Article 23 - Public Local Laws of Maryland
35 (1997 Edition and August 2005 Supplement, as amended)

36 BY transferring

1 Article - Transportation
2 Section 12-113(b)
3 Annotated Code of Maryland
4 (2002 Replacement Volume and 2005 Supplement)
5 to be
6 Article - Courts and Judicial Proceedings
7 Section 10-106
8 Annotated Code of Maryland
9 (2002 Replacement Volume and 2005 Supplement)

10 BY adding to
11 Article - Courts and Judicial Proceedings
12 Section 1-502, 2-501(b), 2-503; 8-101 through 8-507, inclusive, to be under the
13 new title "Title 8. Juries and Jurors"; and 9-118(b)
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2005 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 3-2A-03(c)(2)
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2005 Supplement)

21 BY adding to
22 Article - Election Law
23 Section 3-506
24 Annotated Code of Maryland
25 (2003 Volume and 2005 Supplement)

26 BY adding to
27 Article - Labor and Employment
28 Section 3-709
29 Annotated Code of Maryland
30 (1999 Replacement Volume and 2005 Supplement)

31 BY adding to
32 Article - Public Safety
33 Section 13-218
34 Annotated Code of Maryland
35 (2003 Volume and 2005 Supplement)

36 BY adding to
37 Article - Transportation

1 Section 12-113 and 13-403(b)
2 Annotated Code of Maryland
3 (2002 Replacement Volume and 2005 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Transportation
6 Section 16-106(b)(1)
7 Annotated Code of Maryland
8 (2002 Replacement Volume and 2005 Supplement)

9 BY repealing and reenacting, with amendments,
10 The Public Local Laws of Allegany County
11 Section 32-1
12 Article 1 - Public Local Laws of Maryland
13 (1983 Edition and February 2005 Supplement, as amended)

14 BY repealing and reenacting, with amendments,
15 The Public Local Laws of Baltimore City
16 Section 7-7
17 Article 4 - Public Local Laws of Maryland
18 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

19 BY repealing and reenacting, with amendments,
20 The Public Local Laws of Calvert County
21 Section 86-4-501
22 Article 5 - Public Local Laws of Maryland
23 (2002 Edition and September 2004 Supplement, as amended)

24 BY repealing and reenacting, with amendments,
25 The Public Local Laws of Charles County
26 Section 27-7
27 Article 9 - Public Local Laws of Maryland
28 (1994 Edition and July 2004 Supplement, as amended)

29 BY repealing and reenacting, with amendments,
30 The Public Local Laws of Dorchester County
31 Section 10-21
32 Article 10 - Public Local Laws of Maryland
33 (1984 Edition and January 2005 Supplement, as amended)

34 BY repealing and reenacting, with amendments,
35 The Public Local Laws of Frederick County
36 Section 2-5-1

1 Article 11 - Public Local Laws of Maryland
2 (2004 Edition and June 2005 Supplement, as amended)

3 BY repealing and reenacting, with amendments,
4 The Public Local Laws of Garrett County
5 Section 58-2
6 Article 12 - Public Local Laws of Maryland
7 (1985 Edition and October 2001 Supplement, as amended)

8 BY repealing and reenacting, with amendments,
9 The Public Local Laws of Montgomery County
10 Section 12-3, 12-6, and 12-21
11 Article 16 - Public Local Laws of Maryland
12 (1997 Edition and December 2005 Supplement, as amended)

13 BY repealing and reenacting, with amendments,
14 The Public Local Laws of Worcester County
15 Section CJ 1-203
16 Article 24 - Public Local Laws of Maryland
17 (1994 Edition and March 2005 Supplement, as amended)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That Section(s) 2-501(b), 2-503; 8-101 through 8-401, inclusive, and
20 the title "Title 8. Juries"; and 9-118(b) of Article - Courts and Judicial Proceedings of
21 the Annotated Code of Maryland be repealed.

22 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-506 of
23 Article - Election Law of the Annotated Code of Maryland be repealed.

24 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 12-113(a) and
25 13-403(b) of Article - Transportation of the Annotated Code of Maryland be repealed.

26 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 32-6 G and H
27 and 53-1 through 53-4, inclusive, of Article 1 - Allegany County of the Code of Public
28 Local Laws of Maryland be repealed.

29 SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 6-2-101 of
30 Article 3 - Baltimore County of the Code of Public Local Laws of Maryland be
31 repealed.

32 SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 7-8 and 7-10
33 of Article 4 - Baltimore City of the Code of Public Local Laws of Maryland be
34 repealed.

35 SECTION 7. AND BE IT FURTHER ENACTED, That Section(s) 7-2 of Article
36 10 - Dorchester County of the Code of Public Local Laws of Maryland be repealed.

1 SECTION 8. AND BE IT FURTHER ENACTED, That Section(s) 2-5-16 of
2 Article 11 - Frederick County of the Code of Public Local Laws of Maryland be
3 repealed.

4 SECTION 9. AND BE IT FURTHER ENACTED, That Section(s) 17-1, 58-1,
5 and 58-3 through 58-7, inclusive, of Article 12 - Garrett County of the Code of Public
6 Local Laws of Maryland be repealed.

7 SECTION 10. AND BE IT FURTHER ENACTED, That Section(s) 7.303 through
8 7.306, inclusive, of Article 14 - Howard County of the Code of Public Local Laws of
9 Maryland be repealed.

10 SECTION 11. AND BE IT FURTHER ENACTED, That Section(s) 12-22
11 through 12-24, inclusive, of Article 16 - Montgomery County of the Code of Public
12 Local Laws of Maryland be repealed.

13 SECTION 12. AND BE IT FURTHER ENACTED, That Section(s) 7-101 of
14 Article 17 - Prince George's County of the Code of Public Local Laws of Maryland be
15 repealed.

16 SECTION 13. AND BE IT FURTHER ENACTED, That Section(s) 13-2 of
17 Article 23 - Wicomico County of the Code of Public Local Laws of Maryland be
18 repealed.

19 SECTION 14. AND BE IT FURTHER ENACTED, That Section(s) 12-113(b) of
20 Article - Transportation of the Annotated Code of Maryland be transferred to be
21 Section(s) 10-106 of Article - Courts and Judicial Proceedings of the Annotated Code
22 of Maryland.

23 SECTION 15. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article - Courts and Judicial Proceedings**

26 1-502. JURISDICTION AS TO JURY OFFENSES.

27 NOTWITHSTANDING § 4-301(B)(1) OR § 4-302 OF THIS ARTICLE, A CIRCUIT COURT
28 HAS EXCLUSIVE, ORIGINAL JURISDICTION OVER A MISDEMEANOR UNDER TITLE 8,
29 SUBTITLE 5 OF THIS ARTICLE.

30 COMMITTEE NOTE: Ch. ____, Acts of 2006, which enacted revised CJ Title 8,
31 also added this section, to retain jurisdiction within the court that also has
32 inherent power, including contempt powers, with regard to the referenced
33 offenses.

34 Defined term: "Circuit court" § 1-101

1 2-501.

2 (B) (1) EACH EMPLOYEE OF A CIRCUIT COURT IS ENTITLED TO
3 COMPENSATION AS PROVIDED IN THE APPROPRIATE BUDGET AND SHALL PERFORM
4 THE DUTIES THAT THE JUDGE DIRECTS.

5 (2) (I) IF A COURT REPORTER ORDERED UNDER § 2-503 OF THIS
6 SUBTITLE TO TAKE TESTIMONY BEFORE A GRAND JURY SERVES IN MORE THAN ONE
7 COUNTY, THE COUNTIES WHERE THE REPORTER SERVES SHALL APPORTION THE
8 COMPENSATION UNDER THIS SUBSECTION AS THE COUNTY ADMINISTRATIVE
9 JUDGES AGREE.

10 (II) THE MONTGOMERY COUNTY COUNCIL SHALL PAY THE
11 COMPENSATION OF A COURT REPORTER TAKING OR TRANSCRIBING GRAND JURY
12 TESTIMONY IN THE COUNTY.

13 COMMITTEE NOTE: Ch. ____, Acts of 2006, which enacted revised CJ Title 8,
14 also reenacted former CJ § 2-501(b) as subsection (b)(1) with stylistic
15 changes and added subsection (b)(2), which is derived from the second
16 sentence of former CJ § 2-503(d) and, as it related to the responsibility of
17 the County Council, the former first sentence of Public Local Laws, Art. 16
18 [Montgomery County], § 12-21. The codification of the Montgomery
19 County provision here is merely for convenience and is not intended, by
20 reenactment of a single provision, to alter any county's responsibility with
21 regard to compensation of grand jury reporters.

22 In subsection (b)(1) of this section, the defined term "circuit court" is
23 substituted for the former reference to "the court", for clarity.

24 In subsection (b)(2)(i) and (ii) of this section, the term "court reporter" is
25 substituted for the former, more limited references to a "stenographer", to
26 encompass other methods of reporting.

27 In subsection (b)(2)(i) of this section, reference to a reporter being "ordered"
28 to take testimony is added to conform to revised CJ § 2-503, which
29 contemplates the designation of a grand jury reporter from among court
30 reporters regularly employed by or under contract with a circuit court,
31 instead of appointment by a jury judge.

32 Also in subsection (b)(2)(i) of this section, reference to "the compensation
33 under this subsection" is substituted for the former word "salary", to
34 conform to the first sentence of former CJ § 2-503(d). That sentence, which
35 provided for compensation set by "the judges of the court", and the
36 reference, in the former first sentence of Public Local Laws, Art. 16
37 [Montgomery County], § 12-21, to compensation "determined ... by the
38 judge of the circuit court for the county making such appointment", are
39 deleted in light of revised subsection (b)(1).

40 Also in subsection (b)(2)(i) of this section, the word "county" is substituted
41 for the former phrase "of the counties", to distinguish this administrative

1 judge from the circuit administrative judge. See Md. Rule 16-101c and d
2 and, as to "county", Art. 1, § 14 of the Code.

3 Defined term: "Circuit court" § 1-101

4 2-503. GRAND JURY REPORTER.

5 THE JURY JUDGE FOR A COUNTY MAY ORDER A COURT REPORTER TO TAKE AND
6 TRANSCRIBE TESTIMONY GIVEN BEFORE A GRAND JURY FOR THE COUNTY FOR USE
7 AS PROVIDED IN § 8-416(C)(1) OF THIS ARTICLE.

8 COMMITTEE NOTE: This section is new language substituted for the former
9 second sentence of Public Local Laws, Art. 16 [Montgomery County], §
10 12-21 and the former first sentence and former CJ § 2-503(a), as they
11 related to "appoint[ing]" a "stenographer". The substitution contemplates
12 the designation of a grand jury reporter from among court reporters
13 regularly employed by or under contract with a circuit court, instead of
14 appointment by a jury judge or other circuit court judge, and encompasses
15 other methods of reporting.

16 As to a jury judge, see revised CJ § 8-204.

17 As to "county", see Art. 1, § 14 of the Code.

18 3-2A-03.

19 (c) (2) (I) The list shall be divided into three categories, one containing
20 the names of attorneys, one containing the names of individuals who are health care
21 providers, and one containing the names of [persons] INDIVIDUALS from the general
22 public who are neither attorneys, health care providers, or agents or employees of an
23 insurance company or society.

24 (II) The list of health care providers shall, if practicable, include at
25 least one health care provider from each recognized specialty, as requested by any
26 party.

27 (III) The [persons] INDIVIDUALS from the general public shall be
28 selected at random from existing [lists] or current jury [panel] lists, which a jury
29 commissioner [or a clerk of a court] may make available to the Director when
30 requested by the Director, ONLY AS ALLOWED BY RULE THAT THE COURT OF
31 APPEALS ADOPTS.

32 COMMITTEE NOTE: Ch. ____, Acts of 2006, which enacted revised CJ Title 8,
33 also amended this paragraph, to: (1) add the phrase "only as allowed by
34 rule that the Court of Appeals adopts", to reflect revised CJ § 8-105; (2)
35 delete the word "panel", which formerly modified "lists"; (3) delete the
36 reference to "a clerk of a court", as the clerk so designated is the "jury
37 commissioner" under revised CJ § 8-205; and (4) make other stylistic
38 changes.

1 As to "include", see Art. 1, § 30 of the Code.

2 TITLE 8. JURIES AND JURORS.

3 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

4 8-101. DEFINITIONS.

5 (A) IN GENERAL.

6 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

7 COMMITTEE NOTE: This subsection formerly appeared as CJ § 8-101(a).

8 No changes are made.

9 (B) JURY COMMISSIONER.

10 (1) "JURY COMMISSIONER" MEANS AN INDIVIDUAL WHO IS DESIGNATED
11 UNDER A JURY PLAN TO MANAGE JURY SELECTION AND SERVICE.

12 (2) "JURY COMMISSIONER" INCLUDES AN ACTING JURY COMMISSIONER
13 WHO IS DESIGNATED IN ACCORDANCE WITH A JURY PLAN.

14 COMMITTEE NOTE: This subsection is new and added to avoid repetition of
15 references to "jury commissioner or clerk" and, thereby, to clarify that a
16 designated clerk is acting as a jury commissioner. The addition also
17 reflects revised CJ § 8-205(c), which is added to allow designation of an
18 acting jury commissioner.

19 As to "include", see Art. 1, § 30 of the Code.

20 Defined term: "Jury plan" § 8-101

21 (C) JURY PLAN.

22 "JURY PLAN" MEANS A PLAN THAT THE CIRCUIT COURT FOR A COUNTY ADOPTS
23 UNDER THIS TITLE TO GOVERN JURY SELECTION AND SERVICE FOR THE COUNTY.

24 COMMITTEE NOTE: This subsection is new and added to allow concise and
25 consistent reference to plans adopted under this title.

26 As to "county", see Art. 1, § 14 of the Code.

27 Defined term: "Circuit court" § 1-101

28 (D) PROSPECTIVE JUROR.

29 "PROSPECTIVE JUROR" MEANS AN INDIVIDUAL WHOSE NAME IS SELECTED
30 FROM A SOURCE POOL BUT WHO HAS NOT YET BEEN SCREENED FOR
31 DISQUALIFICATION, EXCUSAL, OR EXEMPTION.

1 COMMITTEE NOTE: This subsection is new and added to allow consistent
2 reference to individuals at the stage in the selection process before
3 qualification, formerly called "[p]ersons selected to be mailed juror
4 qualification forms under § 8-206 of this subtitle" (former CJ § 8-202(2)(i))
5 and "names ... to be placed initially in the master jury wheel" (former CJ §
6 8-202(2)(ii)). The addition reflects former CJ § 8-202(2)(i), which
7 authorized use of electronic or other devices besides a "wheel".

8 Defined term: "Source pool" § 8-101

9 (E) QUALIFIED JUROR.

10 "QUALIFIED JUROR" MEANS AN INDIVIDUAL WHO, AFTER SELECTION AS A
11 PROSPECTIVE JUROR, IS NOT DISQUALIFIED, EXCUSED, OR EXEMPTED.

12 COMMITTEE NOTE: This subsection is new and added to allow consistent
13 reference to individuals at the stage in the selection process after
14 qualification, formerly called "names drawn from the qualified jury wheel"
15 (former CJ § 8-202(3) and (4)) and "names of all persons drawn from the
16 master jury wheel who are determined to be qualified as jurors under §
17 8-207 and not exempt under § 8-209 or excused under § 8-210" (former CJ
18 § 8-208(a)(1)). The addition reflects former CJ § 8-208(a)(1), which
19 authorized use of electronic or other devices besides a "wheel".

20 Defined term: "Prospective juror" § 8-101

21 (F) SOURCE POOL.

22 "SOURCE POOL" MEANS A POOL FROM WHICH THE NAME OF EACH
23 PROSPECTIVE JUROR IS TO BE SELECTED AS PROVIDED UNDER A JURY PLAN.

24 COMMITTEE NOTE: This subsection is new and added to allow consistent
25 reference to the compilation of lists used as the initial source of prospective
26 jurors.

27 Defined terms: "Jury plan" § 8-101

28 "Prospective juror" § 8-101

29 COMMITTEE NOTE TO SECTION: Former CJ § 8-101(b), which defined
30 "court", is deleted as unnecessary, because "circuit court" is substituted for
31 "court" as appropriate throughout this revised title. The deletion avoids
32 possible confusion with "court" as defined in current CJ § 1-101(c). As to
33 "circuit court", see current CJ § 1-101(b).

34 8-102. DUTY AND RIGHTS.

35 (A) DUTY AND RIGHT.

36 EACH ADULT CITIZEN OF THIS STATE HAS:

- 1 (1) THE OPPORTUNITY FOR JURY SERVICE; AND
- 2 (2) WHEN SUMMONED FOR JURY SERVICE, THE DUTY TO SERVE.
- 3 (B) DISCRIMINATION BARRED.

4 A CITIZEN MAY NOT BE EXCLUDED FROM JURY SERVICE DUE TO COLOR,
5 DISABILITY, ECONOMIC STATUS, NATIONAL ORIGIN, RACE, RELIGION, OR SEX.

- 6 (C) RECOMMENDATIONS BARRED.
- 7 RECOMMENDATIONS, IF ANY, FOR JURY SERVICE MAY NOT BE ACCEPTED.

- 8 (D) VOLUNTEERS BARRED.
- 9 VOLUNTEERS FOR JURY SERVICE SHALL BE REFUSED.

10 COMMITTEE NOTE: Subsection (a) of this section is new language derived
11 without substantive change from former CJ § 8-102(b).

12 Subsection (b) of this section is new language derived from former CJ §
13 8-103.

14 Subsections (c) and (d) of this section are new language derived without
15 substantive change from former CJ § 8-104(b).

16 In the introductory language of subsection (a) of this section, the word
17 "adult" is added to modify "citizen", to reflect the substance of former CJ §
18 8-104(a)(1) through (3) now revised CJ § 8-206(b)(1). As to "adult", see Art.
19 1, § 24 of the Code and revised CJ § 8-103(a)(1), and, as to State
20 citizenship, see Moore v. Illinois, 55 U.S. 13, 14 How. 13, 1852 WL 6776, 14
21 L.Ed. 306 (1852).

22 In subsections (a)(1) and (b) of this section, reference to "jury service" is
23 substituted for the former references to serving "on grand and petit juries",
24 "as a juror", and "as a grand or petit juror in the courts of the State", for
25 brevity and consistency.

26 In subsection (b) of this section, the word "disability" is added to conform to
27 the federal Americans with Disabilities Act.

28 As to "may not", see Art. 1, § 26 of the Code.

29 8-103. QUALIFICATION CRITERIA.

- 30 (A) REQUIREMENTS.

31 NOTWITHSTANDING § 8-102 OF THIS SUBTITLE, AN INDIVIDUAL QUALIFIES FOR
32 JURY SERVICE FOR A COUNTY ONLY IF THE INDIVIDUAL:

- 33 (1) IS AN ADULT AS OF THE DAY SELECTED AS A PROSPECTIVE JUROR;

1 (2) IS A CITIZEN OF THE UNITED STATES; AND

2 (3) RESIDES IN THE COUNTY AS OF THE DAY SWORN AS A JUROR.

3 (B) DISQUALIFYING FACTORS.

4 NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION AND SUBJECT TO THE
5 FEDERAL AMERICANS WITH DISABILITIES ACT, AN INDIVIDUAL IS NOT QUALIFIED
6 FOR JURY SERVICE IF THE INDIVIDUAL:

7 (1) CANNOT COMPREHEND SPOKEN ENGLISH OR SPEAK ENGLISH;

8 (2) CANNOT COMPREHEND WRITTEN ENGLISH, READ ENGLISH, OR
9 WRITE ENGLISH PROFICIENTLY ENOUGH TO COMPLETE A JUROR QUALIFICATION
10 FORM SATISFACTORILY;

11 (3) HAS A DISABILITY THAT, AS DOCUMENTED BY A HEALTH CARE
12 PROVIDER'S CERTIFICATION, PREVENTS THE INDIVIDUAL FROM PROVIDING
13 SATISFACTORY JURY SERVICE;

14 (4) HAS BEEN CONVICTED, IN A FEDERAL OR STATE COURT OF RECORD,
15 OF A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING 1 YEAR; OR

16 (5) HAS A CHARGE PENDING, IN A FEDERAL OR STATE COURT OF
17 RECORD, FOR A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING 1 YEAR.

18 (C) CONVICTION.

19 AN INDIVIDUAL QUALIFIES FOR JURY SERVICE NOTWITHSTANDING A
20 DISQUALIFYING CONVICTION UNDER SUBSECTION (B)(4) OF THIS SECTION IF:

21 (1) THE INDIVIDUAL IS PARDONED; OR

22 (2) AS OF THE DATE ON WHICH THE INDIVIDUAL COMPLETES A JUROR
23 QUALIFICATION FORM, THE INDIVIDUAL:

24 (I) IS NOT INCARCERATED, ON PROBATION, OR ON PAROLE, OR
25 REQUIRED UNDER FEDERAL OR STATE LAW TO REGISTER AS A CHILD SEXUAL
26 OFFENDER, AN OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A SEXUALLY
27 VIOLENT PREDATOR; AND

28 (II) HAS COMPLETED, AND AT LEAST 3 YEARS HAVE ELAPSED
29 SINCE THE INDIVIDUAL COMPLETED, THE COURT-ORDERED SENTENCE FOR THE
30 CONVICTION, INCLUDING COMMUNITY SERVICE, FINE, PAROLE, PROBATION, AND
31 RESTITUTION.

32 COMMITTEE NOTE: Subsection (a) of this section is new language substituted
33 for former CJ § 8-207(b)(1) and (8), which barred those "not
34 constitutionally qualified to vote" and "under 18". The substitution is
35 based on the statutory criteria for voter registration in current EL §
36 3-102(a)(1) through (3) but revised to date adulthood from the date of

1 selection as a prospective juror and to base county residence on the date of
2 being sworn as a juror. The substitution adds the introductory disclaimer,
3 "[n]otwithstanding § 8-102 of this subtitle", to make clear that the
4 all-inclusive statement of public policy is curtailed by the specific criteria
5 set forth in this section. The substitution uses, in subsection (a)(3) of this
6 section, the phrase "in the county" instead of the former clause "where the
7 court convenes", to accommodate an extraordinary circumstance that
8 might require a court to sit outside its county. As to "adult" and "county",
9 see Art. 1, §§ 24 and 14 of the Code, respectively.

10 Subsection (b)(1) through (3) of this section is new language derived from
11 former CJ § 8-207(b)(2) through (4).

12 Subsection (b)(4) and (5) of this section is new language substituted for
13 former CJ § 8-207(b)(5) and (6), which excluded individuals based on a
14 crime "punishable by a fine of more than \$500, or by imprisonment for
15 more than six months, or both" or a charge of wilful misrepresentation to
16 avoid jury service. The substitution uses crimes "punishable by
17 imprisonment exceeding 1 year" (instead of the infamous crime standard
18 in Md. Const., Art. I § 4 as implemented by current EL § 3-102(b) and (c)),
19 to be consistent with the requirement for federal jury duty under 28 U.S.C.
20 §§ 1865(b)(5) and 1869(h) and, thereby, to avoid a dual standard in
21 Maryland. However, subsection (c) of this section is new and added to allow
22 a disqualifying conviction to be overcome, not only by pardon (as allowed
23 under former CJ § 8-207(b)(5)) but by the passage of time after completion
24 of sentence.

25 In the introductory language of subsection (b) of this section, reference to
26 the federal Americans with Disabilities Act is added for consistency with
27 the addition of "disability" in revised CJ § 8-102(b) and to emphasize the
28 public policy of this State to avoid discrimination based on disability. See,
29 e.g., Art. 49B of the Code. In accord with that policy, in subsection (b)(3) of
30 this section, reference to a "disability" is substituted for the former
31 references to a "physical or mental infirmity" and "infirmity".

32 Also in the introductory language of subsection (b) of this section, the word
33 "individual" is substituted for the former word "person" to emphasize that
34 only a natural being qualifies for jury service. As to "person", see Art. 1, §
35 15 of the Code.

36 In subsection (b)(2) of this section, the word "comprehend" is substituted
37 for the former word "understand", for consistency with former CJ §
38 8-207(b)(3) now subsection (b)(1).

39 Subsection (b)(3) of this section is revised to require, instead of authorize,
40 documentation, and reference to a "health care provide[r]" is substituted
41 for the former reference to a "docto[r]".

42 Former CJ § 8-207(b)(9), which provided for disqualification based on an

1 "objective test" adopted by the Court of Appeals, is deleted as the Court has
2 not adopted any test since the initial enactment of the provisions codified
3 in former CJ Title 8. See Ch. 408, Acts of 1969.

4 Defined term: "Prospective juror" § 8-101

5 8-104. SELECTION POLICY.

6 EACH JURY FOR A COUNTY SHALL BE SELECTED AT RANDOM FROM A FAIR
7 CROSS SECTION OF THE ADULT CITIZENS OF THIS STATE WHO RESIDE IN THE
8 COUNTY.

9 COMMITTEE NOTE: This section is new language derived without substantive
10 change from former CJ § 8-102(a).

11 The word "adult" is added to modify "citizens", to reflect the substance of
12 former CJ § 8-104(a)(1) through (3) now revised CJ § 8-206(b)(1). As to
13 "adult", see Art. 1, § 24 of the Code and revised CJ § 8-103(a)(1) and, as to
14 State citizenship, see *Moore v. Illinois*, 55 U.S. 13, 14 How. 13, 1852 WL
15 6776, 14 L.Ed. 306 (1852).

16 The phrase "for a county" is substituted for the former clause "where the
17 court convenes", to accommodate an extraordinary circumstance that
18 might require a court to sit outside its county. As to "county", see Art. 1, §
19 14 of the Code.

20 The introductory clause of former CJ § 8-102(a), "[w]hen a litigant ... is
21 entitled to trial by a petit jury and when a person accused of a criminal
22 offense is presented to a grand jury", is deleted as surplusage and, as it
23 related to grand juries, inaccurate as a person need not be accused at
24 presentation.

25 As to construction of "at random" as not statistically perfect but without a
26 particular result in mind, see, e.g., *U.S. v. Bearden*, 659 F.2d 590 (5th
27 Circuit, 1981).

28 8-105. DISCLOSURE OF INFORMATION.

29 (A) PROSPECTIVE, QUALIFIED, OR SWORN JUROR.

30 A CUSTODIAN, AS DEFINED IN § 10-611 OF THE STATE GOVERNMENT ARTICLE,
31 MAY ALLOW ACCESS TO INFORMATION ABOUT PROSPECTIVE, QUALIFIED, AND
32 SWORN JURORS ONLY IN ACCORDANCE WITH RULES THAT THE COURT OF APPEALS
33 ADOPTS.

34 (B) CHALLENGES.

35 THE RULES SHALL PROVIDE FOR ACCESS TO, AND COPYING OF, INFORMATION
36 NEEDED FOR A CHALLENGE UNDER § 8-408 OR § 8-409 OF THIS TITLE.

1 (C) INFORMATION FOR STATE BOARD OF ELECTIONS.

2 THE RULES SHALL PROVIDE FOR DISCLOSURE OF INFORMATION TO THE STATE
3 BOARD OF ELECTIONS AS TO INDIVIDUALS WHO HAVE DIED, HAVE MOVED, OR ARE
4 NOT CITIZENS OF THE UNITED STATES.

5 (D) INFORMATION FOR STATE MOTOR VEHICLE ADMINISTRATION.

6 THE RULES SHALL PROVIDE FOR DISCLOSURE OF INFORMATION TO THE STATE
7 MOTOR VEHICLE ADMINISTRATION AS NEEDED TO CORRECT DATA THAT THE
8 ADMINISTRATION PROVIDES.

9 COMMITTEE NOTE: This section is new language substituted for former CJ §§
10 8-201(c), 8-202(3), 8-212(b) and (c)(2), and 8-401(d), which required a
11 plan to detail the manner of disclosure of information to the State Board of
12 Elections and the time for disclosure of prospective jurors' names, stated
13 specific requirements, and created a criminal offense for disclosure. The
14 substitution is intended to ensure uniform procedures for disclosure of
15 juror information - not only to the State Board of Elections and parties to
16 challenges but, for example, to the health claims arbitration office under
17 revised CJ § 3-2A-03(c)(2) through rule instead of 24 jury plans, to govern
18 all "custodian[s]" and all jurors (whether prospective, qualified, or sworn),
19 and to reflect the addition of revised TR § 12-133(a)(2)(ii), as to
20 cooperation in keeping data accurate and current.

21 Defined terms: "Prospective juror" § 8-101

22 "Qualified juror" § 8-101

23 8-106. CONSTRUCTION.

24 (A) INHERENT AUTHORITY.

25 NOTHING IN THIS TITLE RESTRICTS THE INHERENT AUTHORITY OF A TRIAL
26 JUDGE WITH REGARD TO JURORS.

27 (B) POSTCONVICTION RELIEF.

28 EXCEPT AS TO A CONSTITUTIONAL QUESTION, NOTHING IN THIS TITLE
29 CONSTITUTES A GROUND FOR POSTCONVICTION RELIEF UNDER TITLE 7 OF THE
30 CRIMINAL PROCEDURE ARTICLE.

31 (C) UNIFIED QUALIFICATION AND SUMMONSING.

32 NOTHING IN THIS TITLE BARS A CIRCUIT COURT FROM USING A SINGLE
33 PROCEDURE FOR QUALIFICATION AND SUMMONSING AS ITS JURY PLAN
34 AUTHORIZES.

35 COMMITTEE NOTE: Subsection (a) of this section is new and added to state
36 expressly that inherent authority is not being restricted by statement of
37 specific instances in which an individual may be disqualified, excused, or

1 exempted from jury service or jury service may be postponed or by specific
2 procedures for punishment of contemptuous acts.

3 Subsection (b) of this section is new language derived without substantive
4 change from the second sentence of former CJ § 8-211(e).

5 Subsection (c) of this section is new language derived from former CJ §
6 8-208.1(a) and revised to require that a single procedure be authorized in
7 a jury plan. See revised CJ § 8-214.

8 As to "may not", see Art. 1, § 26 of the Code.

9 Former Public Local Laws, Art. 4 [Baltimore City], § 7-10, which deemed
10 the Public Local Laws "relating to the mode of drawing and summoning
11 jurors" to be "directory" and barred quashing an indictment or
12 presentment, reversing or staying a judgment, or challenging an array
13 based on noncompliance with "the provisions of law relating to the drawing
14 of jurors in the City of Baltimore", is deleted as inconsistent with
15 postconviction proceedings, referenced in former CJ § 8-211(e) now
16 subsection (b) of this section and challenges, provided for in former CJ §
17 8-211 now revised CJ §§ 8-408 and 8-409.

18 Defined terms: "Circuit court" § 1-101

19 "Jury plan" § 8-101

20 SUBTITLE 2. JURY PLAN.

21 8-201. REQUIRED.

22 EACH CIRCUIT COURT SHALL HAVE A WRITTEN PLAN FOR JURY SELECTION
23 AND SERVICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE.

24 COMMITTEE NOTE: This section is new language derived from former CJ §
25 8-201(a)(1).

26 Reference to a plan for "jury selection and service" is substituted for the
27 former reference to a plan for "random selection of grand and petit jurors",
28 to reflect that the requirements extend beyond individual jurors to the
29 entire jury and beyond selection. See, e.g., former CJ § 8-211 now
30 generally revised CJ §§ 8-408 and 8-409.

31 Reference to "requirements" is substituted for the former reference to
32 "objectives", to reflect that former CJ § 8-102(a) now revised CJ § 8-104
33 imposes a duty.

34 The former phrase "of a county" is deleted as unnecessary in light of the
35 definition of "circuit court".

36 Except for the provisions as to grand jury forepersons (see revised CJ §
37 8-211), former Public Local Laws, Art. 1 [Allegany County], §§ 53-1

1 through 53-3 and former Public Local Laws, Art. 12 [Garrett County], §§
2 58-3 through 58-5 and 58-7, which provided details for selection in those
3 counties, are deleted as obsolete, the most current amendments being Ch.
4 158, Acts of 1951, and Ch. 837, Acts of 1914, respectively.

5 Defined term: "Circuit court" § 1-101

6 8-202. RULES.

7 THE COURT OF APPEALS MAY ADOPT RULES TO GOVERN THE PROVISIONS AND
8 IMPLEMENTATION OF JURY PLANS.

9 COMMITTEE NOTE: This section is new language derived without substantive
10 change from former CJ § 8-201(a)(2).

11 The word "implementation" is substituted for the former word "operation".

12 The newly defined term "jury plan" is substituted for the former reference
13 to "plans formulated under this title", for consistency.

14 The former phrase "from time to time" is deleted as surplusage.

15 Defined term: "Jury plan" § 8-101

16 8-203. CHANGES.

17 (A) PROPOSAL OF CIRCUIT COURT.

18 (1) A CIRCUIT COURT MAY PROPOSE TO THE COURT OF APPEALS A
19 CHANGE TO THE CIRCUIT COURT'S JURY PLAN AT ANY TIME, BY FILING THE
20 PROPOSAL WITH THE COURT OF APPEALS.

21 (2) WITHIN 60 DAYS AFTER A CIRCUIT COURT FILES A PROPOSAL UNDER
22 THIS SUBSECTION, THE COURT OF APPEALS SHALL APPROVE OR DISAPPROVE THE
23 PROPOSAL.

24 (3) A PROPOSAL APPROVED UNDER THIS SUBSECTION IS EFFECTIVE:

25 (I) 61 DAYS AFTER A CIRCUIT COURT FILES THE PROPOSAL; OR

26 (II) ANY EARLIER DATE THAT THE COURT OF APPEALS SETS.

27 (B) ORDER OF COURT OF APPEALS.

28 (1) IF THE COURT OF APPEALS ORDERS A CIRCUIT COURT TO CHANGE
29 ITS JURY PLAN, THE CIRCUIT COURT SHALL DO SO.

30 (2) A CHANGE THAT THE COURT OF APPEALS ORDERS IS EFFECTIVE:

31 (I) ON THE DAY THE COURT SETS; BUT

1 (II) NOT LATER THAN 90 DAYS AFTER THE DATE OF APPROVAL OF
2 THE CIRCUIT COURT'S CHANGE.

3 COMMITTEE NOTE: Subsections (a)(1) through (3)(i) and (b) of this section are
4 new language derived without substantive change from former CJ §
5 8-203(b) and (c).

6 Subsection (a)(3)(ii) of this section is new and added to state expressly that
7 which only was implied by the former effective date based on nonaction.

8 In subsection (a), references to "propos[ing]" and "proposal[s]" are
9 substituted for the former authority to "modify" and former references to
10 "modification[s]" and "promp[t]" filing, to reflect the requirement for
11 approval.

12 In subsection (a)(1) of this section, the former phrase "of a county" is
13 deleted as unnecessary in light of the definition of "circuit court".

14 In subsection (b) of this section, the word "orders" is substituted for the
15 former words "directs" and "direction".

16 Former CJ § 8-203(a), which defined "modification", is deleted as obsolete
17 to the extent that it referred to "establishment of a new plan" and as
18 unnecessary to the extent that "change" encompasses "modification or
19 replacement of an existing one".

20 Defined terms: "Circuit court" § 1-101

21 "Jury plan" § 8-101

22 8-204. REQUIRED PROVISIONS - JURY JUDGE.

23 (A) REQUIRED.

24 EACH JURY PLAN SHALL DESIGNATE A JURY JUDGE.

25 (B) CHOICES.

26 THE JURY JUDGE FOR A CIRCUIT COURT SHALL BE:

27 (1) THE COUNTY ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT; OR

28 (2) ANOTHER OF THE CIRCUIT COURT JUDGES WHOM THE COUNTY
29 ADMINISTRATIVE JUDGE DESIGNATES.

30 COMMITTEE NOTE: This section is new language derived from the
31 introductory language of former CJ § 8-202 and the second clause of the
32 third sentence of (1).

33 In subsection (b)(1) of this section, the word "county" is added to clarify the
34 administrative judge who traditionally has acted as or designated a jury
35 judge. See, Md. Rule 16-101c and d and, as to "county", Art. 1, § 14 of the

1 Code.

2 In subsection (b)(2) of this section, the clause "whom the county
3 administrative judge designates" is substituted for the former phrase "as
4 provided by the plan".

5 Defined terms: "Circuit court" § 1-101

6 "Jury plan" § 8-101

7 8-205. REQUIRED PROVISIONS - JURY COMMISSIONER.

8 (A) REQUIRED.

9 EACH JURY PLAN SHALL DESIGNATE A JURY COMMISSIONER.

10 (B) CHOICES.

11 THE JURY COMMISSIONER FOR A CIRCUIT COURT SHALL BE:

12 (1) THE CLERK OF THE CIRCUIT COURT; OR

13 (2) ANOTHER INDIVIDUAL DESIGNATED IN THE MANNER SET FORTH IN
14 THE JURY PLAN.

15 (C) ACTING JURY COMMISSIONER.

16 A JURY PLAN MAY DESIGNATE, OR ALLOW A JURY JUDGE TO DESIGNATE, AN
17 INDIVIDUAL TO SERVE AS ACTING JURY COMMISSIONER IF THE JURY
18 COMMISSIONER IS TEMPORARILY UNAVAILABLE OR UNABLE TO PERFORM DUTIES.

19 (D) DUTIES.

20 THE JURY COMMISSIONER FOR A CIRCUIT COURT SHALL MANAGE JURY
21 SELECTION AND SERVICE, UNDER THE CONTROL AND SUPERVISION OF THE JURY
22 JUDGE FOR THE CIRCUIT COURT.

23 (E) COMPENSATION.

24 A JURY COMMISSIONER, OTHER THAN A CLERK, IS ENTITLED TO THE
25 COMPENSATION SET BY LAW.

26 COMMITTEE NOTE: Subsections (a), (b), (d), and (e) of this section are new
27 language derived from the introductory language of former CJ § 8-202 and
28 the first and second sentences and first clause of the third sentence of (1)
29 and revised to provide for designation of a jury commissioner, to clarify
30 that a designated clerk is acting as a jury commissioner.

31 Subsection (c) of this section is new and added to provide a means of
32 ensuring the carrying out of duties in the absence or inability of a jury
33 commissioner.

1 In subsection (d) of this section, reference to management of "jury selection
2 and service" is substituted for the former reference to managing "the jury
3 selection process", to reflect that the duties are broader.

4 As to a jury judge, see revised CJ § 8-204.

5 Defined terms: "Circuit court" § 1-101

6 "Jury commissioner" § 8-101

7 "Jury plan" § 8-101

8 8-206. REQUIRED PROVISIONS - SOURCE POOL.

9 (A) REQUIRED.

10 EACH JURY PLAN SHALL PROVIDE FOR A SOURCE POOL FROM WHICH THE
11 NAMES OF PROSPECTIVE JURORS ARE TO BE SELECTED.

12 (B) SOURCES.

13 (1) THE SOURCE POOL UNDER THE JURY PLAN FOR A COUNTY SHALL
14 INCLUDE THE NAMES OF ALL OF THE ADULTS ON:

15 (I) A STATEWIDE VOTER REGISTRATION LIST NO OLDER THAN
16 THAT USED IN THE MOST RECENT GENERAL ELECTION AS TO RESIDENTS OF THE
17 COUNTY;

18 (II) A LIST OF HOLDERS OF DRIVER'S LICENSES ISSUED BY THE
19 MOTOR VEHICLE ADMINISTRATION TO RESIDENTS OF THE COUNTY; AND

20 (III) A LIST OF HOLDERS OF IDENTIFICATION CARDS ISSUED BY THE
21 MOTOR VEHICLE ADMINISTRATION TO RESIDENTS OF THE COUNTY.

22 (2) THE SOURCE POOL UNDER THE JURY PLAN FOR A COUNTY MAY
23 INCLUDE ANY OTHER LIST OF RESIDENTS OF THE COUNTY THAT THE JURY PLAN
24 AUTHORIZES.

25 (C) SELECTION.

26 (1) EACH JURY PLAN SHALL DETAIL PROCEDURES BY WHICH A JURY
27 COMMISSIONER IS TO HAVE NAMES SELECTED FROM THE MOST RECENT SOURCE
28 POOL.

29 (2) PROCEDURES UNDER THIS SUBSECTION SHALL BE DESIGNED TO
30 ENSURE EACH JURY IS SELECTED IN ACCORDANCE WITH THE REQUIREMENTS OF
31 THIS TITLE.

32 COMMITTEE NOTE: Subsection (a) of this section is new language derived
33 from the former introductory language of former CJ § 8-202 and the
34 former references to "lists" and "sources" in former CJ § 8-206(a)(1) and
35 the first sentence of former CJ § 8-202(2), the first sentence of (2)(i), and
36 the first sentence of (2)(ii).

1 Subsection (b) of this section is new language derived without substantive
2 change from former CJ § 8-104(a), the second sentence of former CJ §
3 8-202(3), the reference to lists in the first sentence of (2), and the reference
4 to "the general election preceding the time of refilling" in the fourth
5 sentence of (2)(ii).

6 Subsection (c) of this section is new language derived without substantive
7 change from the introductory language of former CJ § 8-202 and the first
8 and second sentences of (2)(i).

9 In the introductory language of subsection (b)(1) of this section, the word
10 "adults" is substituted for the former references to an individual "at least
11 18 years old", for brevity. As to "adult", see Art. 1, § 24 of the Code.

12 In subsection (b)(1)(i) of this section, the words "no older than" are added to
13 allow use of a list generated more recently than the last general election,
14 since, in practice, data are transferred electronically from time to time. See
15 revised EL § 3-507.

16 In subsection (c)(1) of this section, the former reference to a "clerk" is
17 deleted as unnecessary in light of the newly defined term "jury
18 commissioner".

19 In subsection (c)(2) of this section, reference to "requirements of this title"
20 is substituted for the former phrase "as necessary to carry out the policy of
21 [former CJ] §§ 8-102 and 8-103" and the former reference to "random
22 selection of a fair cross section of the citizens of the State", for consistency
23 with revised CJ § 8-201.

24 As to "county" and "include", see Art. 1, §§ 14 and 30 of the Code,
25 respectively.

26 The third sentence and, except for the reference to lists, the first sentence
27 of former CJ § 8-202(2)(i), which required use of either "a properly
28 programmed electronic data processing system or device" or "a master jury
29 wheel or a device similar in purpose and function", are deleted as obsolete.

30 Defined terms: "Jury commissioner" § 8-101

31 "Jury plan" § 8-101

32 "Prospective juror" § 8-101

33 "Source pool" § 8-101

34 8-207. REQUIRED PROVISIONS - PROSPECTIVE AND QUALIFIED JUROR POOLS.

35 (A) REQUIRED.

36 EACH JURY PLAN SHALL SET INTERVALS FOR CREATION OF A PROSPECTIVE
37 JUROR POOL AND A QUALIFIED JUROR POOL.

38 (B) MINIMUM NUMBER OF PROSPECTIVE JURORS.

1 (1) EACH JURY PLAN SHALL SET A MINIMUM NUMBER OF NAMES TO BE
2 SELECTED FROM THE SOURCE POOL AS PROSPECTIVE JURORS.

3 (2) THE MINIMUM NUMBER SHALL BE:

4 (I) AT LEAST 150; AND

5 (II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
6 AT LEAST 0.5% OF THE TOTAL NUMBER OF NAMES IN THE SOURCE POOL.

7 (3) IF THE MINIMUM PERCENTAGE UNDER PARAGRAPH (2)(II) OF THIS
8 SUBSECTION WOULD BE CUMBERSOME AND UNNECESSARY, A JURY PLAN MAY SET A
9 SMALLER NUMBER.

10 (4) A JURY JUDGE FOR A COUNTY MAY ORDER ITS JURY COMMISSIONER
11 TO HAVE ADDITIONAL NAMES SELECTED FROM THE COUNTY'S SOURCE POOL AS THE
12 JUDGE CONSIDERS NECESSARY.

13 COMMITTEE NOTE: Subsection (a) of this section is new language derived
14 from the introductory language of former CJ § 8-202 and the fourth
15 sentence of (2)(ii) and revised to apply to creation of a "qualified" jury pool,
16 as well as a "prospective juror pool" (formerly referred to as a "master jury
17 wheel"). The revision, and the substitution in subsections (b)(1), (2)(ii), and
18 (4) of this section of references to selecting names from the "source pool" for
19 the former references to placing names "initially in the master jury wheel"
20 and "master wheel", conform to former CJ § 8-202(2)(i), which provided for
21 use of electronic or other devices besides a wheel.

22 Subsection (b) of this section is new language derived from the first
23 through third sentences of former CJ § 8-202(2)(ii).

24 In subsection (b)(2)(ii) of this section, the former reference to setting a
25 "larger" number if the minimum number is "inadequate" is deleted as
26 unnecessary in light of the words "at least".

27 As to a jury judge, see revised CJ § 8-204.

28 As to "county", see Art. 1, § 14 of the Code.

29 Defined terms: "Jury commissioner" § 8-101

30 "Jury plan" § 8-101

31 "Prospective juror" § 8-101

32 "Qualified juror" § 8-101

33 "Source pool" § 8-101

34 8-208. REQUIRED PROVISIONS - SERVICE.

35 EACH JURY PLAN SHALL SET THE METHOD BY WHICH SUMMONSES FOR JURY
36 SERVICE ARE TO BE SERVED.

1 COMMITTEE NOTE: This section is new and added to reflect the addition of
2 revised CJ § 8-401(a)(2) substituted for the second sentence of former CJ §
3 8-208(b), which required service "personally, by certified mail, return
4 receipt requested, bearing a postmark from the United States Postal
5 Service, or by first-class mail", to accommodate alternative forms of
6 delivery.

7 Defined term: "Jury plan" § 8-101

8 8-209. REQUIRED PROVISIONS - ALLOCATION OF QUALIFIED JURORS.

9 EACH JURY PLAN SHALL SET THE METHOD BY WHICH THE NAMES OF
10 QUALIFIED JURORS ARE TO BE ALLOCATED BETWEEN GRAND AND TRIAL JURIES.

11 COMMITTEE NOTE: This section is new language derived without substantive
12 change from the introductory language of former CJ § 8-202(4).

13 Reference to "qualified jurors" is substituted for the former reference to the
14 names from the qualified jury "wheel", to conform to former CJ §
15 8-208(a)(1), which provided for use of electronic or other devices besides a
16 "wheel".

17 Reference to a "trial" jury is substituted for the former reference to a
18 "petit" jury, in accordance with the Council on Jury Use and Management's
19 preference for language more understandable to the public.

20 Defined terms: "Jury plan" § 8-101

21 "Qualified juror" § 8-101

22 8-210. REQUIRED PROVISIONS - CHANGES FOR JURY JUDGE'S ATTENTION.

23 EACH JURY PLAN SHALL DETAIL CHANGES OF INFORMATION AS TO
24 PROSPECTIVE, QUALIFIED, AND SWORN JURORS ABOUT WHICH A JURY
25 COMMISSIONER IS TO INFORM A JURY JUDGE.

26 COMMITTEE NOTE: This section is new and added to reflect the second
27 sentence of former CJ § 8-206(c) now revised CJ § 8-314(b) which imposed
28 a duty on a jury commissioner.

29 As to a jury judge, see revised CJ § 8-204.

30 Defined terms: "Jury commissioner" § 8-101

31 "Jury plan" § 8-101

32 "Prospective juror" § 8-101

33 "Qualified juror" § 8-101

34 8-211. REQUIRED PROVISIONS - GRAND JURY FOREPERSONS.

35 EACH JURY PLAN SHALL SET THE METHOD BY WHICH A FOREPERSON IS TO BE
36 CHOSEN FOR A GRAND JURY FROM AMONG ITS MEMBERS.

1 COMMITTEE NOTE: This section is new language substituted for former
2 Public Local Laws, Art. 1 [Allegany County], § 53-3 and former Public
3 Local Laws, Art. 12 [Garrett County], § 58-4A and B, as they related to
4 selection by a judge of a grand jury foreperson. The substitution is
5 intended to ensure that every county has a set manner for selection,
6 approved by the Court of Appeals.

7 As to forepersons for trial juries, see Md. Rules 2-512(i) and 4-312(h).

8 Defined term: "Jury plan" § 8-101

9 8-212. AUTHORIZED PROVISIONS - JUROR QUALIFICATION FORMS.

10 THE JURY PLAN FOR A COUNTY MAY STATE ANY QUESTION, IN ADDITION TO
11 THOSE REQUIRED UNDER § 8-302(A) OF THIS TITLE, TO BE INCLUDED ON THE
12 COUNTY'S JUROR QUALIFICATION FORM, CONSISTENT WITH THE INTEREST OF THE
13 SOUND ADMINISTRATION OF JUSTICE AND NOT INCONSISTENT WITH THIS TITLE
14 AND OTHER LAW.

15 COMMITTEE NOTE: This section is new language derived without substantive
16 change from former CJ § 8-202(5)(i)5.

17 As to "county" and "include", see Art. 1, §§ 14 and 30 of the Code.

18 Defined term: "Jury plan" § 8-101

19 8-213. AUTHORIZED PROVISIONS - AGREEMENTS.

20 THE JURY PLAN OF A CIRCUIT COURT MAY PROVIDE FOR AN AGREEMENT
21 BETWEEN THE CIRCUIT COURT AND THE ADMINISTRATIVE OFFICE OF THE COURTS
22 OR A PERSON, FOR THE ADMINISTRATIVE OFFICE OR PERSON TO:

23 (1) PROVIDE THE CIRCUIT COURT WITH NAMES SELECTED IN THE
24 NUMBER THAT THE JURY PLAN SETS;

25 (2) HAVE JUROR QUESTIONNAIRE FORMS SENT AS THE JURY PLAN
26 REQUIRES;

27 (3) HAVE SUMMONSES SENT AS THE JURY PLAN REQUIRES; OR

28 (4) PROVIDE ANY OTHER SERVICE AS TO JURY SELECTION AND
29 SERVICE.

30 COMMITTEE NOTE: This section is new language derived from former CJ §
31 8-201(b)(1) and (2).

32 In the introductory language of this section, references to a "person" are
33 added to reflect that some circuit courts have entered into agreements
34 with, e.g., private companies. Accordingly, in item (4) of this section, the
35 former phrase "agreeable to both the circuit court and the Administrative
36 Office" surplusage in light of "agreement" is deleted. As to "person", see

1 Art. 1 § 15 of the Code.

2 In item (1) of this section, reference to "names" is substituted for the
3 former reference "lists of ... prospective jurors", to allow an agreement to
4 extend to selection of qualified jurors.

5 Also in item (1) of this section, the word "randomly", which formerly
6 modified "selected", and the former phrase "from the sources specified in
7 this title", are deleted as unnecessary in light of former CJ §§ 8-102(a) and
8 8-104(a) now revised CJ §§ 8-104 and 8-206(a).

9 Also in item (1) of this section, the former phrase "at the time specified by
10 the circuit court" is deleted.

11 In items (2) and (3) of this section, the word "sent" is substituted for the
12 former word "mailing", to accommodate alternative forms of delivery.

13 In item (4) of this section, the second reference to "service" is added to
14 allow assistance beyond jury selection.

15 Defined terms: "Circuit court" § 1-101

16 "Jury plan" § 8-101

17 8-214. AUTHORIZED PROVISIONS - UNIFIED QUALIFICATION AND SUMMONSING.

18 A JURY PLAN MAY SET A SINGLE PROCEDURE FOR QUALIFICATION AND
19 SUMMONSING FOR JURY SERVICE.

20 COMMITTEE NOTE: This section is new and added to reflect former CJ §
21 8-209.1(a), which is revised in CJ § 8-106(c) to require a single procedure
22 be authorized in a jury plan.

23 Defined term: "Jury plan" § 8-101

24 8-215. AUTHORIZED PROVISIONS - DISQUALIFICATION, EXCUSAL, AND EXEMPTION
25 OF PROSPECTIVE OR QUALIFIED JURORS AND POSTPONEMENT OF SERVICE.

26 THE JURY PLAN FOR A COUNTY MAY ENABLE ITS JURY COMMISSIONER,
27 SUBJECT TO CRITERIA SET FORTH IN THE JURY PLAN AND UNDER THE OVERALL
28 SUPERVISION OF THE COUNTY'S JURY JUDGE, TO:

29 (1) DISQUALIFY PROSPECTIVE OR QUALIFIED JURORS FOR SPECIFIC
30 REASONS STATED IN THIS TITLE;

31 (2) EXCUSE PROSPECTIVE OR QUALIFIED JURORS FOR SPECIFIC
32 REASONS STATED IN THIS TITLE;

33 (3) EXEMPT PROSPECTIVE OR QUALIFIED JURORS FOR SPECIFIC
34 REASONS STATED IN THIS TITLE; OR

1 (4) POSTPONE JURY SERVICE BY PROSPECTIVE OR QUALIFIED JURORS
2 FOR SPECIFIC REASONS STATED IN THIS TITLE.

3 COMMITTEE NOTE: This section is new language substituted for former CJ §
4 8-107(a) and (b), which enabled a "court" as then defined, a circuit court to
5 excuse jurors, and the second sentence of former CJ § 8-207(a), which
6 empowered only a jury judge to disqualify, excuse, or exempt jurors, to
7 reflect current practice whereby jury judges have delegated the power to
8 jury commissioners to disqualify, excuse, or exempt individuals not yet
9 sworn as jurors, or postpone their service, for certain reasons allowed by
10 law. The substitution will require that the power be stated expressly in a
11 jury plan and, thereby, be subject to prior approval of the Court of Appeals.
12 See also Md. Rule 16-106a and the administrative order of the Chief Judge
13 of the Court of Appeals dated November 21, 2001, as to closing of
14 courthouses in emergencies.

15 As to a jury judge, see revised CJ § 8-204.

16 As to "county", see Art. 1, § 14 of the Code.

17 Defined terms: "Jury commissioner" § 8-101

18 "Jury plan" § 8-101

19 "Prospective juror" § 8-101

20 "Qualified juror" § 8-101

21 8-216. AUTHORIZED PROVISIONS - FREQUENCY OF SERVICE.

22 A JURY PLAN MAY PROVIDE THAT, NOTWITHSTANDING THE LIMIT ON
23 FREQUENCY OF TRIAL JURY SERVICE IN § 8-310(C)(2) OF THIS TITLE, AN INDIVIDUAL
24 WHO SERVES ON A TRIAL JURY FOR FEWER THAN 5 DAYS IN A 3-YEAR PERIOD MAY
25 BE SUMMONED FOR JURY SERVICE AFTER 1 YEAR.

26 COMMITTEE NOTE: This section is new language derived without substantive
27 change from former CJ § 8-209(c).

28 The word "trial" is substituted for the former word "petit", in accordance
29 with the Council on Jury Use and Management's preference for language
30 more understandable to the public.

31 Defined term: "Jury plan" § 8-101

32 8-217. AUTHORIZED PROVISIONS - DONATION PROGRAMS.

33 A JURY PLAN MAY CREATE A PROGRAM FOR DONATION OF STATE PER DIEMS
34 AND COUNTY SUPPLEMENTS BY PROSPECTIVE, QUALIFIED, OR SWORN JURORS.

35 COMMITTEE NOTE: This section is new and added to reflect the existence of
36 programs in several counties and other jurisdictions. See, e.g., Washington
37 Ethics Opinion 99-08 (9/21/99).

1 As to "county", see Art. 1, § 14 of the Code.

2 Defined terms: "Jury plan" § 8-101

3 "Prospective juror" § 8-101

4 "Qualified juror" § 8-101

5 SUBTITLE 3. PROSPECTIVE AND QUALIFIED JURORS.

6 PART I. PROSPECTIVE JURORS.

7 8-301. PROSPECTIVE JUROR POOL.

8 (A) SELECTION.

9 AT EACH INTERVAL SET IN A JURY PLAN FOR A COUNTY, ITS JURY
10 COMMISSIONER SHALL HAVE NAMES SELECTED FROM THE SOURCE POOL IN THE
11 NUMBER THAT THE JURY COMMISSIONER DECIDES WILL SATISFY THE NEEDS FOR
12 JURY SERVICE FOR THE INTERVAL.

13 (B) POOL.

14 NAMES SELECTED UNDER THIS SECTION CONSTITUTE A PROSPECTIVE JUROR
15 POOL.

16 COMMITTEE NOTE: Subsection (a) of this section is new language derived
17 from former CJ § 8-205(a) and revised to clarify that the decision as to the
18 number needed is the jury commissioner's.

19 Subsection (b) of this section is new and added to distinguish this pool from
20 the source and qualified juror pools.

21 In subsection (a) of this section, reference to "each interval set in a jury
22 plan" is substituted for the former requirement "[w]hen directed by the
23 circuit court of a county", for consistency with former CJ § 8-202(2)(ii) now
24 revised CJ § 8-207(a).

25 Also in subsection (a) of this section, reference to having names "selected"
26 is substituted for the former duty to "publicly draw", and the newly defined
27 term "source pool" is substituted for the former, obsolete term "master jury
28 wheel", in light of the use of computers. Similarly, former CJ § 8-205(b),
29 which required preparation of an "alphabetical list" and restricted its
30 disclosure, is deleted.

31 Also in subsection (a) of this section, the former phrase "at random" is
32 deleted as unnecessary in light of former CJ § 8-102(a) now revised CJ §
33 8-104.

34 Also in subsection (a) of this section, the former reference to selection by "a
35 judge of the court" is deleted for consistency with former CJ § 8-301(a)
36 through (d) now revised CJ § 8-310(a)(2) which imposed the duty on the

1 jury commissioner.

2 Also in subsection (a) of this section, the former reference to selection by
3 "the clerk" is deleted as unnecessary in light of the definition of "jury
4 commissioner".

5 As to "county", see Art. 1, § 14 of the Code.

6 Defined terms: "Jury commissioner" § 8-101

7 "Jury plan" § 8-101

8 "Prospective juror" § 8-101

9 "Source pool" § 8-101

10 8-302. INITIAL QUESTIONS.

11 (A) BASIC FORM.

12 IN ACCORDANCE WITH AN AGREEMENT, IF ANY, UNDER § 8-213 OF THIS TITLE, A
13 JUROR QUALIFICATION FORM IN SUBSTANTIALLY THE FOLLOWING FORM SHALL BE
14 PROVIDED TO EACH PROSPECTIVE JUROR:

15 JUROR QUALIFICATION FORM

16 NAME:

17 RESIDENT ADDRESS:

18 AGE: _____ DATE OF BIRTH: _____

19 IF YOU ARE OVER 70 YEARS OF AGE, DO YOU WISH TO BE EXEMPTED FROM JURY
20 SERVICES? _____YES _____NO

21 U.S. CITIZEN? _____YES _____NO

22 ABLE TO COMPREHEND, READ, SPEAK, AND WRITE
23 ENGLISH? _____YES _____NO

24 EDUCATION: _____

25 OCCUPATION OF PROSPECTIVE JUROR: _____

26 OCCUPATION OF SPOUSE, IF ANY: _____

27 DISABILITY PREVENTING SATISFACTORY JURY SERVICE? _____YES _____NO

28 PENDING CHARGE FOR A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING 1
29 YEAR? _____YES _____NO

30 CONVICTION OF CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING 1 YEAR AND
31 NOT LEGALLY PARDONED? _____YES _____NO

1 DATE OF CONVICTION _____
 2 ARE YOU CURRENTLY: _____ INCARCERATED _____ REQUIRED TO REGISTER
 3 \tab AS CHILD SEXUAL
 4 \tab _____ ON PAROLE OFFENDER, OFFENDER,
 5 \tab SEXUALLY VIOLENT
 6 \tab _____ ON PROBATION OFFENDER OR SEXUALLY
 7 \tab VIOLENT PREDATOR

8 _____ ELECTED OFFICIAL OF THE FEDERAL LEGISLATIVE BRANCH, AS DEFINED IN 2
 9 U.S.C. § 30A.

10 _____ ACTIVE DUTY MEMBER OF ARMED FORCES EXEMPTED IN ACCORDANCE WITH
 11 10 U.S.C. § 982.

12 _____ MEMBER OF MARYLAND'S ORGANIZED MILITIA EXEMPTED IN ACCORDANCE
 13 WITH PUBLIC SAFETY ARTICLE § 13-218.

14 PRIOR JURY SERVICE WITHIN 3 PRECEDING YEARS: _____

15 FORM COMPLETED BY ME _____ ANOTHER (NAME) _____ AND,
 16 IF ANOTHER, WHY?

17 UNDER THE PENALTIES OF PERJURY, THE RESPONSES ARE TRUE TO THE BEST OF MY
 18 KNOWLEDGE

19 SIGNED: _____

20 PROSPECTIVE JUROR

21 INDIVIDUAL COMPLETING FORM FOR PROSPECTIVE JUROR THIS FORM MUST BE
 22 COMPLETED, SIGNED, AND RETURNED THE JURY COMMISSIONER WITHIN 10 DAYS
 23 AFTER RECEIPT. DOCUMENTATION FOR EXCUSAL DUE TO DISABILITY, EXEMPTION
 24 BASED ON ARMED FORCES OR MILITIA SERVICE, PARDONS, AND/OR PRIOR JURY
 25 SERVICE MUST BE ATTACHED.

26 (B) ADDITIONS TO FORM.

27 A JUROR QUALIFICATION FORM FOR A COUNTY MAY INCLUDE OTHER
 28 QUESTIONS AS THE COUNTY'S JURY PLAN REQUIRES.

29 COMMITTEE NOTE: This section is new language substituted for former CJ §
 30 8-202(5)(i)1A, C, and E, 2, 3, and 4 and the first sentence of (ii), §
 31 8-206(a)(2) and the reference to instructions in (1), and the former
 32 references to space in § 8-210(f) and the third sentence of § 8-207(a), to
 33 consolidate the various provisions as to a juror qualification form and to
 34 incorporate by reference the qualifications under former CJ § 8-207(b) see
 35 revised CJ § 8-103 to ensure comity between the statutory criteria and
 36 requirements as to the form. The substitution also avoids the circuitry of
 37 setting forth the form and then requiring it to be set forth in the jury plan.

- 1 The substitution uses, in subsection (a) of this section, the newly defined
2 term "prospective juror" instead of the former reference to a "potential"
3 juror, for consistency.
- 4 The substitution adds "resident" to modify "address".
- 5 The substitution adds space for entry of a date of birth and a check-off for
6 exemption based on age, to facilitate implementation of revised CJ §
7 8-103(a)(1) and former CJ § 8-209(a)(2) now revised CJ § 8-306(1), which
8 date adulthood from the date of selection as a prospective juror and allow
9 exemption for an individual over 70 years.
- 10 The substitution adds the question as to citizenship for consistency with
11 provisions such as former CJ §§ 8-102(b) and 8-207(b)(1) now revised CJ
12 §§ 8-102(a) and 8-103(a)(2).
- 13 The substitution also uses "disability" instead of the former reference to
14 "physical or mental infirmity impairing ... capacity", as more consistent
15 with the federal Americans with Disabilities Act.
- 16 The substitution also uses references to crimes "punishable by
17 imprisonment exceeding 1 year" instead of the former references to a
18 "criminal offense other than a minor traffic offense (i.e., one punishable by
19 a fine of \$500 or less or imprisonment for six months or less)", to be
20 consistent with the requirement for federal jury duty under 28 U.S.C. §§
21 1865(b)(5) and 1869 and, thereby, to avoid a dual standard in Maryland in
22 initial screening but adds a reference to the date of conviction and current
23 status to reflect the addition of revised CJ § 8-103(c).
- 24 The substitution expands the duty to provide documentation to include
25 exemptions based on military service and pardons, as well as disabilities.
- 26 Former CJ § 8-202(5)(i)1B and (iii), which provided for questions as to
27 national origin, race, and religion, is deleted as unnecessary.
- 28 Former CJ § 8-202(5)(i)1D, which provided for a question as to residency
29 length, is deleted as nothing in former CJ Title 8 or this revised title or
30 current EL § 3-102(a) limits service to county residents of a particular
31 duration.
- 32 The second sentence of former CJ § 8-202(5)(ii), which obviated the need
33 for notarization, is deleted as unnecessary in light of the declaration
34 appearing on the form.
- 35 As to additional questions, see revised CJ § 8-212.
- 36 As to "county" and "include", see Art. 1, §§ 14 and 30 of the Code,
37 respectively.
- 38 Defined terms: "Jury plan" § 8-101

1 "Prospective juror" § 8-101

2 8-303. ALTERATION OF FORM.

3 WHENEVER IT SEEMS TO A JURY COMMISSIONER THAT THERE IS AN
4 AMBIGUITY, ERROR, OR OMISSION IN A PERSON'S JUROR QUALIFICATION FORM, THE
5 JURY COMMISSIONER SHALL RETURN THE FORM TO THE PERSON, WITH
6 INSTRUCTIONS TO MAKE EACH NEEDED ADDITION AND OTHER CHANGE,
7 ACKNOWLEDGE ALL OF THE CHANGES, AND RETURN THE FORM TO THE JURY
8 COMMISSIONER WITHIN 10 DAYS AFTER RECEIPT.

9 COMMITTEE NOTE: This section is new language derived from former CJ §
10 8-206(a)(3) and revised to clarify that the decision that a form "seems"
11 incomplete is a jury commissioner's.

12 The word "person" is retained to reflect that, notwithstanding that only a
13 natural being may be a juror, a form may be sent inadvertently to another
14 type of person, who should inform the jury commissioner rather than
15 ignoring the form (see revised CJ § 8-304). As to "person", see Art. 1 § 15 of
16 the Code.

17 A requirement for acknowledgment is added to allow enforcement should a
18 change be false.

19 The former references to a "clerk" are deleted as unnecessary in light of the
20 newly defined term "jury commissioner".

21 As to documentation, see revised CJ § 8-314.

22 Defined term: "Jury commissioner" § 8-101

23 8-304. INTERVIEW.

24 (A) SUMMONS.

25 WHENEVER A PERSON FAILS TO RETURN A COMPLETED JUROR QUALIFICATION
26 FORM AS INSTRUCTED, A JURY COMMISSIONER MAY SUMMONS THE PERSON TO
27 APPEAR BEFORE THE JURY COMMISSIONER OR JURY JUDGE.

28 (B) CONDUCT.

29 WHENEVER A PERSON APPEARS UNDER THIS SECTION, A JURY COMMISSIONER
30 OR JURY JUDGE:

31 (1) MAY REQUIRE THE PERSON TO COMPLETE, SIGN, AND
32 ACKNOWLEDGE A JUROR QUALIFICATION FORM IN THE PRESENCE OF THE JURY
33 COMMISSIONER; AND

34 (2) IF, AT THAT TIME, IT SEEMS TO THE JURY COMMISSIONER OR JURY
35 JUDGE TO BE WARRANTED, MAY QUESTION THE PERSON BUT ONLY AS TO

1 RESPONSES TO QUESTIONS IN THE FORM AND GROUNDS FOR DISQUALIFICATION,
2 EXCUSAL, EXEMPTION, OR POSTPONEMENT.

3 COMMITTEE NOTE: Subsection (a) of this section is new language derived
4 from former CJ § 8-206(b).

5 Subsection (b) of this section is new language derived from the first
6 sentence of former CJ § 8-206(c), as it related to appearance at an
7 interview, and revised to clarify that a decision that questioning "seems"
8 warranted is a jury commissioner's or jury judge's.

9 In subsections (a) and (b) of this section, the word "person" is retained to
10 reflect that, notwithstanding that only a natural being may be a juror, a
11 form may be sent inadvertently to another type of person, who should
12 inform the jury commission rather than ignoring the form. As to "person",
13 see Art. 1 § 15 of the Code.

14 Also in subsections (a) and (b) of this section, the former references to a
15 "clerk" are deleted as unnecessary in light of the newly defined term "jury
16 commissioner".

17 In subsection (a) of this section, reference to a "jury judge" is added for
18 consistency to subsection (b) of this section. See revised CJ § 8-204.

19 In subsection (b)(1) of this section, reference to "complet[ing], sign[ing],
20 and acknowledg[ing]" a form is substituted for the former reference to
21 "fill[ing] out another juror qualification form", as there may be no "other"
22 form. Accordingly, in subsection (a) of this section, the former reference to
23 "fill[ing] out a juror qualification form" is deleted as surplusage.

24 In subsection (b)(2) of this section, references to "exemption" and
25 "postponement" are added for completeness.

26 As to documentation, see revised CJ § 8-314.

27 Defined term: "Jury commissioner" § 8-101

28 8-305. ADDITIONAL QUESTIONING.

29 WHENEVER A PERSON APPEARS FOR JURY SERVICE, A JURY COMMISSIONER OR
30 JURY JUDGE:

31 (1) MAY REQUIRE THE PERSON TO COMPLETE, SIGN, AND
32 ACKNOWLEDGE A JUROR QUALIFICATION FORM IN THE PRESENCE OF THE JURY
33 COMMISSIONER; AND

34 (2) IF, AT THAT TIME, IT SEEMS TO THE JURY COMMISSIONER OR JURY
35 JUDGE TO BE WARRANTED, MAY QUESTION THE PERSON BUT ONLY AS TO
36 RESPONSES TO QUESTIONS IN THE FORM AND GROUNDS FOR DISQUALIFICATION,
37 EXCUSAL, EXEMPTION, OR POSTPONEMENT.

1 COMMITTEE NOTE: This section is new language derived from the first
2 sentence of former CJ § 8-206(c), as it related to appearance for jury
3 service, and revised to clarify that a decision that questioning "seems"
4 warranted is a jury commissioner's or jury judge's. As to a jury judge, see
5 revised CJ § 8-204.

6 The word "person" is retained to reflect that, notwithstanding that only a
7 natural being may be a juror, a form may be sent inadvertently to another
8 type of person, who should inform the jury commission rather than
9 ignoring the form. As to "person", see Art. 1 § 15 of the Code.

10 The former reference to a "clerk of the court" is deleted as unnecessary in
11 light of the newly defined term "jury commissioner".

12 In item (1) of this section, reference to "complet[ing], sign[ing], and
13 acknowledg[ing]" a form is substituted for the former reference to "fill[ing]
14 out another juror qualification form", as there may be no "other" form.

15 In item (2) of this section, references to "exemption" and "postponement"
16 are added for completeness.

17 As to documentation, see revised CJ § 8-314.

18 Defined term: "Jury commissioner" § 8-101

19 8-306. BASES FOR EXEMPTIONS.

20 AN INDIVIDUAL IS EXEMPT FROM JURY SERVICE ONLY IF THE INDIVIDUAL:

21 (1) IS AT LEAST 70 YEARS OLD AND ASKS THE JURY COMMISSIONER, IN
22 WRITING, FOR AN EXEMPTION;

23 (2) IS AN ELECTED OFFICIAL OF THE FEDERAL LEGISLATIVE BRANCH,
24 AS DEFINED IN 2 U.S.C. § 30A;

25 (3) IS AN ACTIVE DUTY MEMBER OF THE ARMED FORCES EXEMPTED IN
26 ACCORDANCE WITH 10 U.S.C. § 982; OR

27 (4) IS A MEMBER OF THE ORGANIZED MILITIA EXEMPTED IN
28 ACCORDANCE WITH § 13-218 OF THE PUBLIC SAFETY ARTICLE.

29 COMMITTEE NOTE: Item (1) of this section is new language derived without
30 substantive change from former CJ § 8-209(a)(2).

31 Item (2) of this section is new and added to reflect the referenced 2 U.S.C.
32 § 30a, which bars requiring jury service "whether such service is requested
33 by judicial summons or by some other means of compulsion".

34 Item (3) of this section is new and added to reflect the referenced 10 U.S.C.
35 § 982, which enables a Secretary to exempt active duty members of the
36 armed forces. Implementing regulations appear in 32 C.F.R. Parts 144 and

1 516, pursuant to DoD Directive 5525.8.

2 Item (4) of this section is new language substituted for former CJ §
3 8-209(a)(1), which provided for exemption on certification of membership
4 alone. The referenced PS § 13-218 is added to narrow the exemption for
5 militia members, to be more consistent with the exemption for active
6 armed force members.

7 In the introductory language of this section, the word "individual" is
8 substituted for the former word "person" to emphasize that only a natural
9 being qualifies for jury service. As to "person", see Art. 1, § 15 of the Code.

10 In item (1) of this section, the former reference to a "clerk" is deleted as
11 unnecessary in light of the newly defined term "jury commissioner".

12 Defined term: "Jury commissioner" § 8-101

13 8-307. RESERVED.

14 8-308. RESERVED.

15 **PART II. QUALIFIED JURORS.**

16 8-309. QUALIFIED JUROR.

17 **AN INDIVIDUAL WHO IS NOT DISQUALIFIED, EXCUSED, OR EXEMPTED UNDER**
18 **PART I OF THIS SUBTITLE IS A QUALIFIED JUROR.**

19 **COMMITTEE NOTE:** This section is new language derived from the reference,
20 in former CJ § 8-208(a)(1), to "the names of all persons drawn from the
21 master jury wheel".

22 The word "individual" is substituted for the former word "persons", to
23 reflect that only a natural being qualifies for jury service. As to "person",
24 see Art. 1, § 15 of the Code.

25 The newly defined term "qualified juror" is substituted for the former
26 reference to a "wheel", to reflect former CJ § 8-202(2)(i), which provided for
27 use of electronic or other devices besides a "wheel" and to exclude those
28 individuals "disqualified, excused, or exempted".

29 Defined term: "Qualified juror" § 8-101

30 8-310. QUALIFIED JUROR POOL.

31 (A) SELECTION.

32 (1) AT EACH INTERVAL SET IN A JURY PLAN FOR A COUNTY, ITS JURY
33 COMMISSIONER SHALL HAVE NAMES OF QUALIFIED JURORS SELECTED IN THE

1 NUMBER THAT THE JURY COMMISSIONER DECIDES WILL SATISFY THE NEEDS FOR
2 JURY SERVICE DURING THE INTERVAL.

3 (2) SUBJECT TO § 8-421 OF THIS TITLE, A JURY COMMISSIONER SHALL
4 HAVE ENOUGH NAMES SELECTED TO ALLOW PARTIES TO MAKE PEREMPTORY
5 CHALLENGES AS ALLOWED UNDER THIS TITLE OR OTHERWISE PROVIDED IN THE
6 MARYLAND RULES.

7 (B) POOL.

8 NAMES SELECTED UNDER THIS SECTION CONSTITUTE A QUALIFIED JUROR
9 POOL.

10 (C) ALLOCATION BETWEEN GRAND AND TRIAL JURIES.

11 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A JURY
12 COMMISSIONER SHALL ALLOCATE NAMES FROM THE QUALIFIED JUROR POOL TO
13 GRAND AND TRIAL JURIES AS THE JURY PLAN PROVIDES.

14 (2) EXCEPT AS NEEDED TO COMPLETE SERVICE IN A PARTICULAR CASE
15 OR AS OTHERWISE PROVIDED IN A JURY PLAN, AN INDIVIDUAL MAY NOT BE
16 REQUIRED, IN ANY 3-YEAR PERIOD, TO SERVE OR ATTEND COURT FOR PROSPECTIVE
17 SERVICE AS A TRIAL JUROR MORE THAN ONCE.

18 COMMITTEE NOTE: Subsection (a)(1) of this section is new language derived
19 from former CJ § 8-208(a)(1), except for the reference to names, and (2)
20 and (3), except as to assignment to a grand or trial jury, and revised to
21 clarify the decision as to the number of jury commissioners.

22 Subsection (a)(2) of this section is new language derived without
23 substantive change from former CJ § 8-301(e).

24 Subsection (b) of this section is new and added to distinguish this pool from
25 the source and prospective juror pools.

26 Subsection (c)(1) of this section is new language substituted for former CJ
27 § 8-208(a)(2) and (3), as to assignment to a grand or trial jury, in light of
28 former CJ § 8-202(4) now revised CJ § 8-209.

29 Subsection (c)(2) of this section is new language derived without
30 substantive change from former CJ § 8-209(b)(1).

31 In subsection (a)(1) of this section, reference to "each interval set in a jury
32 plan" is substituted for the former requirement "[w]hen necessary", for
33 consistency with former CJ § 8-202(2)(ii) now revised CJ § 8-207(a).

34 Also in subsection (a)(1) of this section, reference to having names "of
35 qualified jurors selected" is substituted for the former duty to "publicly
36 draw" from the "qualified jury wheel", in light of the use of computers.

1 Also in subsection (a)(1) of this section, the former phrase "at random" is
2 deleted as unnecessary in light of former CJ § 8-102(a) now revised CJ §
3 8-104.

4 Also in subsection (a)(1) of this section, the former references to a "clerk"
5 are deleted, and in subsection (a)(2) of this section, the newly defined term
6 "jury commissioner" is substituted for the former, incomplete reference to
7 the "clerk of the court", to conform to former CJ § 8-202(1) now revised CJ
8 § 8-205 which imposed duties in connection with jury selection on a jury
9 commissioner or clerk acting as such.

10 The introductory phrase of subsection (a)(2) of this section, "[s]ubject to §
11 8-421 of this title", is added to reflect that, under the referenced provision,
12 a trial judge may dispense with minimum arrays with the consent of the
13 parties.

14 In subsection (a)(2) of this section, the word "otherwise" is added to
15 emphasize alternatives rather than choices.

16 In subsection (c)(2) of this section, reference to a "jury plan" is substituted
17 for the former exception, "except as provided in subsection (c) of this
18 section", to reflect recodification of former CJ § 8-209(c) now revised CJ §
19 8-216 with other provisions as to plans.

20 Also in subsection (c)(2), reference to a "trial" juror is substituted for the
21 former reference to a "juror ... on a petit jury", in accordance with the
22 council on jury use and management's preference for language more
23 understandable to the public.

24 Former Public Local Laws, Art. 1 [Allegany County], § 53-4, which set a
25 4-year limit for a "juror", and former Public Local Laws, Art. 12 [Garrett
26 County], § 58-6, which set a 2-year limit for "a grand or petit juror", are
27 deleted.

28 As to "county", see Art. 1, § 14 of the Code.

29 Defined terms: "Jury commissioner" § 8-101

30 "Jury plan" § 8-101

31 "Qualified juror" § 8-101

32 8-311. SUPPLEMENTAL QUESTIONNAIRE.

33 AT THE REQUEST OF A TRIAL JUDGE, A JURY COMMISSIONER MAY DISTRIBUTE
34 TO QUALIFIED JURORS A QUESTIONNAIRE WITH REGARD TO ANY MATTER,
35 INCLUDING A CONVICTION OR PENDING CIVIL JURY TRIAL THAT MAY BE A BASIS FOR
36 DISQUALIFICATION AS A JUROR IN A PARTICULAR CASE.

37 COMMITTEE NOTE: This section is new and added to allow collection of
38 information for use in examining individuals for purposes of peremptory
39 and for-cause challenges.

1 Defined terms: "Jury commissioner" § 8-101

2 "Qualified juror" § 8-101

3 8-312. RESERVED.

4 8-313. RESERVED.

5 PART III. RECORDS.

6 8-314. RECORDS.

7 (A) DOCUMENTATION.

8 A JURY COMMISSIONER SHALL DOCUMENT EACH ADDITION OR OTHER CHANGE
9 TO INFORMATION PROVIDED UNDER THIS SUBTITLE AND EACH DECISION WITH
10 REGARD TO DISQUALIFICATION, EXEMPTION, OR EXCUSAL FROM, OR
11 POSTPONEMENT OF, JURY SERVICE.

12 (B) TRANSMITTAL.

13 THE JURY COMMISSIONER OF A COUNTY SHALL INFORM ITS JURY JUDGE OF
14 CHANGES TO INFORMATION AS PROVIDED IN THE COUNTY'S JURY PLAN.

15 (C) RETENTION.

16 THE JURY COMMISSIONER OF A COUNTY SHALL KEEP EACH RECORD THAT THE
17 JURY COMMISSIONER HAS USED IN CONNECTION WITH THE JURY SERVICE IN
18 ACCORDANCE WITH THE RECORDS RETENTION AND DISPOSAL SCHEDULE OF THE
19 COUNTY.

20 COMMITTEE NOTE: Subsections (a) and (b) of this section are new language
21 derived from the second sentence of former CJ § 8-206(c) and, except for
22 the references to "space", § 8-210(f) and the third and fourth sentences of
23 § 8-207(a).

24 Subsection (c) of this section is new language substituted for former CJ §
25 8-212(a), which set minimum periods for retention, in order to allow
26 keeping of records in accordance with the general retention schedule and
27 to encompass aspects of jury service in addition to selection. As to
28 schedules, see, e.g., Md. Rule 16-818 and General Retention Schedule No.
29 2330 (effective October 25, 2005).

30 In subsections (a) and (b) of this section, the former references to a "clerk"
31 are deleted, and the newly defined term "jury commissioner" is substituted
32 for the former, incomplete reference to a "clerk".

33 In subsection (a) of this section, the former references to noting
34 information on a "juror qualification form", an alphabetical "list", or
35 "juror's card drawn from the qualified jury wheel" are deleted to allow
36 documentation in electronic or other suitable form.

1 Subsection (b) of this section is revised to limit transmittal of information
2 to instances for which a jury plan so provides, to obviate the need to bring
3 nonsubstantial matters to the attention of a jury judge.

4 As to a jury judge, see revised CJ § 8-204.

5 As to "county", see Art. 1, § 14 of the Code.

6 Defined terms: "Jury commissioner" § 8-101

7 "Jury plan" § 8-101

8 SUBTITLE 4. JURIES.

9 PART I. IN GENERAL.

10 8-401. SUMMONS.

11 (A) ISSUANCE AND SERVICE.

12 WHENEVER A GRAND OR TRIAL JURY IS NEEDED, A JURY COMMISSIONER
13 SHALL:

14 (1) SUMMONS QUALIFIED JURORS IN THE NUMBER NEEDED; AND

15 (2) HAVE THE SUMMONS SERVED AS THE JURY PLAN REQUIRES.

16 (B) ADDRESS.

17 A JURY COMMISSIONER SHALL ADDRESS MAIL TO AN INDIVIDUAL'S USUAL
18 BUSINESS OR RESIDENT ADDRESS.

19 (C) INSTRUCTION WITH JUROR QUALIFICATION FORM.

20 A SUMMONS SENT TO AN INDIVIDUAL WITH A JUROR QUALIFICATION FORM
21 SHALL INSTRUCT THE INDIVIDUAL TO REPORT FOR JURY SERVICE UNLESS A JURY
22 COMMISSIONER INSTRUCTS OTHERWISE.

23 COMMITTEE NOTE: Subsections (a)(1) and (b) of this section are new language
24 derived from the first and third sentences of former CJ § 8-208(b).

25 Subsection (a)(2) of this section is new language substituted for the second
26 sentence of former CJ § 8-208(b), which required service "personally, by
27 certified mail, return receipt requested, bearing a postmark from the
28 United States Postal Service, or by first-class mail", to accommodate
29 alternative forms of delivery. Accordingly, in subsection (c) of this section,
30 the word "sent" is substituted for the former word "mailed".

31 Subsection (c) of this section is new language derived from former CJ §
32 8-208.1(b) and revised to clarify that the instruction is to be included on a
33 summons.

1 In the introductory language of subsection (a) of this section, reference to a
2 "trial" jury is substituted for the former reference to a "petit" jury, in
3 accordance with the council on jury use and management's preference for
4 language more understandable to the public.

5 Also in the introductory language of subsection (a) of this section, the
6 former reference to a "clerk" is deleted as unnecessary in light of the newly
7 defined term "jury commissioner".

8 In subsection (a)(1) of this section, reference to "qualified jurors in the
9 number needed" is substituted for the former reference to "each person
10 drawn for jury service", for brevity and consistency with the requirement
11 for allocation of qualified jurors see revised CJ § 8-209 and the
12 responsibility, under revised CJ § 8-310(a), to determine the needed
13 number.

14 Subsection (b) of this section is revised in the active voice to state expressly
15 that the duty to address a summons properly is a jury commissioner's.

16 Former CJ § 8-208(c), which provided for summoning additional jurors by
17 a sheriff, is deleted as obsolete.

18 Defined terms: "Jury commissioner" § 8-101

19 "Jury plan" § 8-101

20 "Qualified juror" § 8-101

21 8-402. DISQUALIFICATION, EXCUSAL, OR EXEMPTION FROM OR POSTPONEMENT OF
22 DUTY.

23 (A) AUTHORIZED.

24 SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A JURY JUDGE OR, IF A
25 COUNTY'S JURY PLAN ALLOWS, ITS JURY COMMISSIONER MAY DISQUALIFY, EXCUSE,
26 OR EXEMPT AN INDIVIDUAL WHO IS SUMMONED FOR JURY SERVICE OR POSTPONE
27 JURY SERVICE.

28 (B) DISQUALIFICATION.

29 AN INDIVIDUAL MAY BE DISQUALIFIED ONLY ON THE BASIS OF INFORMATION
30 PROVIDED ON A JUROR QUESTIONNAIRE OR DURING AN INTERVIEW OR OTHER
31 COMPETENT EVIDENCE.

32 (C) EXCUSAL.

33 (1) TO BE EXCUSED, AN INDIVIDUAL SHALL SHOW, ON A JUROR
34 QUESTIONNAIRE, DURING AN INTERVIEW, OR BY OTHER COMPETENT EVIDENCE,
35 THAT EXTREME INCONVENIENCE, PUBLIC NECESSITY, OR UNDUE HARDSHIP
36 REQUIRES EXCUSAL.

37 (2) AN INDIVIDUAL MAY BE EXCUSED:

1 (I) ONLY FOR THE PERIOD THAT THE JURY JUDGE OR JURY
2 COMMISSIONER CONSIDERS NECESSARY; AND

3 (II) NOT MORE THAN TWICE UNLESS THE JURY JUDGE FINDS THAT
4 THE INDIVIDUAL HAS SHOWN AN EXTRAORDINARY CIRCUMSTANCE THAT REQUIRES
5 AN ADDITIONAL EXCUSE.

6 (3) WHEN THE PERIOD SET UNDER THIS SUBSECTION EXPIRES, A JURY
7 COMMISSIONER AGAIN SHALL SUMMON THE INDIVIDUAL FOR JURY SERVICE.

8 COMMITTEE NOTE: Subsections (a) through (b)(2), (c)(2)(i), and (b)(3) of this
9 section are new language derived from former CJ § 8-210(a) and the first
10 and second sentences of § 8-207(a) are revised to apply to exemption and
11 postponement and to allow a jury commissioner to act as individuals if a
12 jury plan so allows. See revised CJ § 8-215.

13 Subsection (c)(2)(ii) of this section is new and added to prevent complete
14 avoidance of jury service.

15 In subsections (a) through (c) of this section, the word "individual" is
16 substituted for the former word "person" to emphasize that only a natural
17 being qualifies for jury service. As to "person", see Art. 1, § 15 of the Code.

18 Subsection (c)(3) of this section is revised in the active voice to state
19 expressly that which only was implied in former CJ § 8-210(a) that a jury
20 commissioner summons the excused individual.

21 Former CJ § 8-210(e), as it related to eligibility notwithstanding excusal
22 under former CJ § 8-210(a), is deleted in light of subsection (b)(2) of this
23 section.

24 As to a jury judge, see revised CJ § 8-204.

25 Defined terms: "Jury commissioner" § 8-101

26 "Jury plan" § 8-101

27 8-403. MULTIPLE SERVICE.

28 AN INDIVIDUAL MAY NOT BE REQUIRED TO SERVE SIMULTANEOUSLY:

29 (1) ON MORE THAN 1 GRAND JURY; OR

30 (2) AS BOTH A GRAND AND TRIAL JUROR.

31 COMMITTEE NOTE: This section is new language derived without substantive
32 change from former CJ § 8-209(b)(2) and (3).

33 In the introductory language of this section, the word "simultaneously" is
34 substituted for the former reference to a 3-year period, which is retained
35 as to multiple trial jury service. See revised CJ §§ 8-216 and 8-310(c)(2).

1 In item (2) of this section, reference to a "trial" juror is substituted for the
2 former reference to a "petit" juror, in accordance with the Council on Jury
3 Use and Management's preference for language more understandable to
4 the public.

5 8-404. DISQUALIFICATION BY TRIAL JUDGE.

6 (A) PARTY TO CIVIL SUIT.

7 NOTWITHSTANDING § 8-103(A) OF THIS TITLE, A TRIAL JUDGE MAY STRIKE AN
8 INDIVIDUAL WHO IS PARTY IN A CIVIL CASE WHILE THE INDIVIDUAL IS ENTITLED TO
9 A JURY TRIAL IN THE COUNTY.

10 (B) FROM PARTICULAR JURY.

11 (1) WHENEVER MORE INDIVIDUALS THAN ARE NEEDED TO IMPANEL A
12 JURY HAVE BEEN SUMMONED, AN INDIVIDUAL MAY BE EXCUSED BUT ONLY IN
13 ACCORDANCE WITH RULE OR OTHER LAW.

14 (2) AN INDIVIDUAL WHO IS SUMMONED FOR JURY SERVICE MAY BE
15 STRUCK FROM A PARTICULAR JURY ONLY:

16 (I) IN ACCORDANCE WITH RULE OR OTHER LAW, BY A PARTY ON
17 PEREMPTORY CHALLENGE;

18 (II) FOR GOOD CAUSE SHOWN, BY A TRIAL JUDGE ON A CHALLENGE
19 BY A PARTY; OR

20 (III) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BY A TRIAL
21 JUDGE WHO FINDS THAT:

22 A. THE INDIVIDUAL MAY BE UNABLE TO RENDER IMPARTIAL
23 JURY SERVICE;

24 B. THE INDIVIDUAL'S SERVICE LIKELY WOULD DISRUPT THE
25 PROCEEDING; OR

26 C. THE INDIVIDUAL'S SERVICE MAY THREATEN THE
27 SECRECY OF A PROCEEDING OR OTHERWISE AFFECT THE INTEGRITY OF THE JURY
28 DELIBERATIONS ADVERSELY.

29 (3) A TRIAL JUDGE MAY NOT STRIKE AN INDIVIDUAL UNDER
30 PARAGRAPH (2)(III)C OF THIS SUBSECTION, UNLESS THE JUDGE STATES ON THE
31 RECORD:

32 (I) EACH REASON FOR THE STRIKE; AND

33 (II) A FINDING THAT THE STRIKE IS WARRANTED AND NOT
34 INCONSISTENT WITH §§ 8-102(A) AND (B) AND 8-104 OF THIS TITLE.

1 (4) AN INDIVIDUAL STRUCK UNDER THIS SUBSECTION MAY SERVE ON
2 ANOTHER JURY FOR WHICH THE BASIS FOR THE STRIKE IS IRRELEVANT.

3 (C) CAPITAL CASE.

4 (1) A TRIAL JUDGE MAY STRIKE AN INDIVIDUAL ON THE BASIS OF THE
5 INDIVIDUAL'S BELIEF FOR OR AGAINST CAPITAL PUNISHMENT ONLY IF THE JUDGE
6 FINDS THAT THE BELIEF WOULD PREVENT THE INDIVIDUAL FROM RETURNING AN
7 IMPARTIAL VERDICT ACCORDING TO LAW.

8 (2) AN INDIVIDUAL STRUCK UNDER THIS SUBSECTION MAY SERVE ON
9 ANOTHER JURY FOR WHICH THE BASIS FOR THE STRIKE IS IRRELEVANT.

10 COMMITTEE NOTE: Subsection (a) of this section is new language derived
11 from former CJ § 8-207(b)(7) and revised to allow disqualification, rather
12 than make it automatic, and only "while" the entitlement lasts.

13 Subsection (b) of this section is new language derived from former CJ §
14 8-210(b) and (e), as the latter related to excusals under former CJ §
15 8-210(b).

16 Subsection (c) of this section is new language derived from former CJ §
17 8-210(c) and (e), as the latter related to excusal under former CJ §
18 8-201(c), and revised to cover belief in, as well as against, capital
19 punishment. See *Witherspoon v. Illinois*, 391 U.S. 510 (1968). Accordingly,
20 the former reference to "a juror of the State" is deleted.

21 In subsections (a) through (c) of this section, the word "individual" is
22 substituted for the former word "person" to emphasize that only a natural
23 being qualifies for jury service. as to "person", see Art. 1, § 15 of the Code.

24 In subsections (a), (b)(2) through (4), and (c)(1) of this section, references to
25 a "trial" judge and to "striking" an individual are substituted for the
26 former reference to the individual being "excused" or "disqualified,
27 excused, or excluded" by "the court" then defined as a "circuit court" to
28 distinguish actions of a bench, jury commissioner, or jury judge.

29 Former CJ § 8-210(d), which limited disqualification, excusal, or
30 exemption of a "person or class of person" from jury service to the means
31 set out in former CJ § 8-210, is deleted as surplusage and, in light of the
32 provisions for peremptory challenges in Md. Rules 2-512 and 4-312, as
33 inaccurate.

34 Former CJ § 8-302, which enabled a circuit court to strike names
35 remaining because a party failed to strike enough of an array and provided
36 for construction of this power, is deleted as unnecessary.

37 As to "county", see Art. 1, § 14 of the Code.

1 8-405. TEMPORARY EXCUSAL OF SWORN JURORS.

2 A TRIAL JUDGE MAY:

3 (1) EXCUSE A SWORN JUROR TEMPORARILY; AND

4 (2) ORDER THE SWORN JUROR TO RETURN:

5 (I) ON A SPECIFIC DAY; OR

6 (II) ON A DATE AND AT A TIME THAT THE TRIAL JUDGE OR JURY
7 COMMISSIONER DIRECTS.

8 COMMITTEE NOTE: This section is new language substituted for former CJ §
9 8-107(a) and (b), which provided for a "court" as then defined, a circuit
10 court to excuse jurors. Together with revised CJ § 8-215, the former
11 provisions are revised to apply to prospective, qualified, and sworn jurors,
12 but in the case of sworn jurors, the power is limited to a trial judge.

13 The substitution also omits the former reference to jury terms, as
14 inconsistent with continuation of a sworn jury until completion of an
15 investigation or case.

16 The substitution also omits the former reference to the form of notice as
17 unnecessarily restrictive in light of modern communication methods.

18 8-406. RESERVED.

19 8-407. RESERVED.

20 PART II. CHALLENGES.

21 8-408. IN CIVIL CASE.

22 (A) EXCLUSIVE PROCEDURE.

23 THIS SECTION SETS FORTH THE EXCLUSIVE PROCEDURE BY WHICH A PARTY IN
24 A CIVIL CASE MAY CHALLENGE A JURY ON THE GROUND THAT THE JURY WAS NOT
25 SUMMONED OR OTHERWISE SELECTED IN COMPLIANCE WITH THIS TITLE.

26 (B) MOTION.

27 (1) BEFORE EXAMINATION BEGINS IN A CIVIL CASE OR, FOR GOOD
28 CAUSE SHOWN, AFTER A JURY IS SWORN BUT BEFORE IT RECEIVES EVIDENCE, A
29 PARTY MAY MOVE TO STAY THE CASE ON THE GROUND OF SUBSTANTIAL FAILURE TO
30 COMPLY WITH A PROVISION OF THIS TITLE IN SELECTING THE TRIAL JURY.

31 (2) A MOTION UNDER THIS SECTION SHALL CONTAIN A SWORN
32 STATEMENT OF FACTS THAT, IF TRUE, WOULD CONSTITUTE A SUBSTANTIAL
33 FAILURE TO COMPLY WITH THIS TITLE.

1 (C) ACCESS TO RECORD.

2 ON A SHOWING THAT A PARTY NEEDS ACCESS TO A RECORD TO PREPARE FOR A
3 HEARING ON A MOTION PENDING UNDER THIS SECTION, A TRIAL JUDGE MAY ALLOW
4 THE PARTY TO INSPECT AND COPY THE RECORD AS NEEDED TO PREPARE.

5 (D) EVIDENCE.

6 A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS
7 ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION,
8 INCLUDING:

9 (1) THE TESTIMONY OF THE JURY COMMISSIONER; AND

10 (2) RELEVANT RECORDS, WHETHER OR NOT PUBLIC, THAT THE JURY
11 COMMISSIONER USED.

12 (E) DUTY OF TRIAL JUDGE.

13 (1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
14 § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY
15 THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

16 (2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
17 A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY AND
18 THE FAILURE IS LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE TRIAL JUDGE
19 SHALL STAY THE PROCEEDING PENDING SELECTION OF A TRIAL JURY IN
20 COMPLIANCE WITH THIS TITLE.

21 COMMITTEE NOTE: This section is new language derived without substantive
22 change from former CJ §§ 8-212(c)(1) and 8-211(b) through (d)(2) and the
23 first sentence of (e), as they related to civil cases.

24 In subsection (a) of this section, reference to noncompliance with
25 requirements for summoning a jury are added to conform to Md. Rule
26 2-512(a) but the word "otherwise" is added to modify "selected", to clarify
27 that summoning is part of the overall selection process.

28 In the subsections (b)(1) and (e) of this section, references to a "trial" jury
29 are substituted for the former reference to a "petit" jury, in accordance with
30 the Council on Jury Use and Management's preference for language more
31 understandable to the public.

32 In subsection (b)(1) of this section, reference to challenges after a jury is
33 sworn is added to conform to Md. Rule 2-512(a).

34 Also in subsection (b)(1) of this section, the term "voir dire", which formerly
35 modified "examination", is deleted in accordance with the Council on Jury
36 Use and Management's recommendation as the term "is unnecessary and
37 mystifying to potential jurors, litigants and other lay people".

1 Subsection (c) of this section is revised to state expressly that the decision
2 on access is the trial judge's.

3 In subsection (d) of this section, the former references to a "clerk" are
4 deleted as unnecessary in light of the newly defined term "jury
5 commissioner".

6 In subsection (e) of this section, reference to a "trial judge" is substituted
7 for the former references to a "court" as then defined, a circuit court to
8 avoid the inference that a majority of the judges of a circuit court must
9 concur.

10 As to "including", see Art. 1, § 30 of the Code.

11 Defined term: "Jury commissioner" § 8-101

12 8-409. IN CRIMINAL CASE.

13 (A) EXCLUSIVE PROCEDURE.

14 THIS SECTION SETS FORTH THE EXCLUSIVE PROCEDURE BY WHICH A PARTY IN
15 A CRIMINAL CASE MAY CHALLENGE A JURY ON THE GROUND THAT THE JURY WAS
16 NOT SUMMONED OR OTHERWISE SELECTED IN COMPLIANCE WITH THIS TITLE.

17 (B) MOTION.

18 (1) BEFORE EXAMINATION BEGINS IN A CRIMINAL CASE OR, FOR GOOD
19 CAUSE SHOWN, AFTER A JURY IS SWORN BUT BEFORE IT RECEIVES EVIDENCE, A
20 PARTY MAY MOVE TO DISMISS A CHARGING DOCUMENT OR STAY THE CASE ON THE
21 GROUND OF SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OF THIS TITLE IN
22 SELECTING THE GRAND OR TRIAL JURY.

23 (2) A MOTION UNDER THIS SECTION SHALL CONTAIN A SWORN
24 STATEMENT OF FACTS THAT, IF TRUE, WOULD CONSTITUTE A SUBSTANTIAL
25 FAILURE TO COMPLY WITH THIS TITLE.

26 (C) ACCESS TO RECORD.

27 ON A SHOWING THAT A PARTY NEEDS ACCESS TO A RECORD TO PREPARE FOR A
28 HEARING ON A MOTION PENDING UNDER THIS SECTION, A TRIAL JUDGE MAY ALLOW
29 THE PARTY TO INSPECT AND COPY A RECORD AS NEEDED TO PREPARE.

30 (D) EVIDENCE.

31 A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS
32 ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION,
33 INCLUDING:

34 (1) THE TESTIMONY OF THE JURY COMMISSIONER; AND

1 (2) RELEVANT RECORDS, WHETHER OR NOT PUBLIC, THAT THE JURY
2 COMMISSIONER USED.

3 (E) DUTY OF TRIAL JUDGE - GRAND JURY.

4 (1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
5 § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY, THE JUDGE SHALL:

6 (I) STAY THE CASE PENDING SELECTION OF A GRAND JURY IN
7 COMPLIANCE WITH THIS TITLE; OR

8 (II) DISMISS THE CHARGING DOCUMENT.

9 (2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
10 A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY
11 AND FINDS THE FAILURE LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE JUDGE
12 SHALL:

13 (I) STAY THE CASE PENDING SELECTION OF A GRAND JURY IN
14 COMPLIANCE WITH THIS TITLE; OR

15 (II) DISMISS THE CHARGING DOCUMENT.

16 (F) DUTY OF TRIAL JUDGE - TRIAL JURY.

17 (1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
18 § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY
19 THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

20 (2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
21 A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY AND
22 THE FAILURE IS LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE TRIAL JUDGE
23 SHALL STAY THE PROCEEDING PENDING SELECTION OF A TRIAL JURY IN
24 COMPLIANCE WITH THIS TITLE.

25 COMMITTEE NOTE: This section is new language derived without substantive
26 change from former CJ § 8-211(a), (c), and (d) and the first sentence of (e),
27 as they related to criminal cases.

28 In subsections (a) and (b)(1) of this section, the word "party" is substituted
29 for the former references to "the defendant or State's Attorney, as the case
30 may be" and "a person accused of a crime [or] the State's Attorney", to
31 encompass cases that, e.g., the Attorney General prosecutes.

32 In subsection (a) of this section, reference to noncompliance with
33 requirements for summoning a jury are added to conform to Md. Rule
34 4-312(a) but the word "otherwise" is added to modify "selected", to clarify
35 that summoning is part of the overall selection process.

36 In subsections (b)(1) and (e)(1)(ii) and (2)(ii) of this section, the term

1 "charging document" is substituted for the former, more limited term
2 "indictment", as an information can be used in a circuit court case.

3 In subsections (b)(1) and (f) of this section, references to a "trial" jury are
4 substituted for the former references to a "petit" jury, in accordance with
5 the Council on Jury Use and Management's preference for language more
6 understandable to the public.

7 In subsection (b)(1) of this section, reference to challenges after a jury is
8 sworn is added to conform to Md. Rule 4-312(a).

9 Also in subsection (b)(1) of this section, the term "voir dire", which formerly
10 modified "examination", is deleted in accordance with the Council on Jury
11 Use and Management recommendation as the term "is unnecessary and
12 mystifying to potential jurors, litigants and other lay people".

13 Subsection (c) of this section is revised to state expressly that the decision
14 on access is the trial judge's.

15 In subsection (d) of this section, the former references to a "clerk" are
16 deleted as unnecessary in light of the newly defined term "jury
17 commissioner".

18 In subsections (e) and (f) of this section, references to a "trial judge" are
19 substituted for the former references to a "court" as then defined, a circuit
20 court to avoid the inference that a majority of the judges of a circuit court
21 must concur.

22 As to "include", see Art. 1, § 30 of the Code.

23 Defined term: "Jury commissioner" § 8-101

24 8-410. RESERVED.

25 8-411. RESERVED.

26 PART III. GRAND JURY.

27 8-412. NUMBER OF JURORS.

28 (A) NUMBER WHEN SWORN.

29 WHEN SWORN, A GRAND JURY SHALL CONSIST OF 23 GRAND JURORS PLUS
30 ADDITIONAL ALTERNATE GRAND JURORS AS PROVIDED IN THE MARYLAND RULES.

31 (B) EFFECT OF NONCOMPLETION OF SERVICE.

32 THE FAILURE OF A GRAND JUROR TO SERVE FOR THE ENTIRE PERIOD OF
33 SERVICE DOES NOT INVALIDATE THE GRAND JURY OR ANY OF ITS ACTIONS.

1 COMMITTEE NOTE: Subsection (a) of this section is new language derived
2 from the references to 23 grand jurors and filling of vacancies in Public
3 Local Laws, Art. 1 [Allegany County], § 53-3 and Public Local Laws, Art.
4 12 [Garrett County], § 58-4A and revised to apply statewide and to
5 provide for rules to govern alternate grand jurors.

6 Subsection (b) of this section is new and added to state expressly that the
7 failure of an individual grand juror to complete service does not affect the
8 jury or its actions. See, e.g., State v. McNay, 100 Md. 622 (1905) (excusal
9 from sworn grand jury does not invalidate indictment).

10 As to "include", see Art. 1, § 30 of the Code.

11 8-413. ADDITIONAL GRAND JURIES.

12 IN ADDITION TO ANY GRAND JURY THAT A JURY PLAN FOR A COUNTY
13 REQUIRES FOR A SET PERIOD, ON PETITION OF A STATE'S ATTORNEY, THE COUNTY
14 ADMINISTRATIVE JUDGE MAY SUMMONS ONE OR MORE GRAND JURIES.

15 COMMITTEE NOTE: This section is new language derived without substantive
16 change from former CJ § 8-108.

17 The introductory language of this section, "[i]n addition to any grand jury
18 that a jury plan ... requires for a set period", is added to clarify the period
19 for which a grand jury is additional.

20 The word "county" is substituted for the former phrase "of the circuit court
21 of a county", to distinguish this administrative judge from the circuit
22 administrative judge. See Md. Rule 16-101c and d and, as to "county", Art.
23 1, § 14 of the Code.

24 Defined term: "Jury plan" § 8-101

25 8-414. ATTENDEES.

26 (A) COURT REPORTER.

27 A COURT REPORTER WHOM A JURY JUDGE ORDERS UNDER § 2-503 OF THIS
28 ARTICLE TO RECORD TESTIMONY BEFORE A GRAND JURY MAY BE PRESENT AT ITS
29 SESSIONS.

30 (B) INTERPRETER.

31 AN INTERPRETER WHOM A JURY JUDGE APPROVES MAY BE PRESENT AT A
32 GRAND JURY SESSION AS NEEDED TO PROVIDE SERVICES AS AN INTERPRETER.

33 (C) STATE'S ATTORNEY FOR BALTIMORE CITY OR ASSISTANT.

34 (1) THIS SUBSECTION APPLIES ONLY TO A GRAND JURY FOR BALTIMORE
35 CITY.

1 (2) THE STATE'S ATTORNEY FOR BALTIMORE CITY OR AN ASSISTANT
2 STATE'S ATTORNEY FOR BALTIMORE CITY:

3 (I) AT THE REQUEST OF A GRAND JURY, MAY ATTEND ANY OF ITS
4 SESSIONS; BUT

5 (II) MAY NOT BE PRESENT WHEN THE GRAND JURY VOTES ON AN
6 INDICTMENT OR PRESENTMENT.

7 COMMITTEE NOTE: Subsection (a) of this section is new language derived
8 from former CJ § 2-503(c) and the former first clause of revised Public
9 Local Laws, Art. 16 [Montgomery County], § 12-23.

10 Subsection (b) of this section is new and added for completeness.

11 Subsection (c) of this section is new language derived without substantive
12 change from the former third sentence of Public Local Laws, Art. 4
13 [Baltimore City], § 7-7, as it related to the State's Attorney and
14 assistants. The codification of the Baltimore City provision here is merely
15 for convenience and is not intended, by reenactment of a single provision,
16 to alter any law with regard to presence at grand juries in other counties.

17 In subsection (a) of this section, reference to a reporter "order[ed]" to take
18 testimony is substituted for the former references to being "appointed
19 under this section" and "duly appointed and qualified as herein provided",
20 to conform to revised CJ § 2-503, which contemplates the designation of a
21 grand jury reporter from among court reporters regularly employed by or
22 under contract with a circuit court, instead of appointment by a jury judge.
23 As to a jury judge, see revised CJ § 8-204.

24 The first clause of the former Public Local Laws, Art. 1 [Allegany City], §
25 32-6G, which allowed a reporter to attend "upon and at the special request
26 of the circuit court for Allegany and Garrett counties", the former third
27 sentence of Public Local Laws, Art. 4 [Baltimore City], § 7-7, which
28 allowed a reporter to attend but "not ... when the grand jury votes on any
29 presentment or indictment", and former Public Local Laws, Art. 14
30 [Howard County], § 7.303, as it allowed a reporter to attend "[a]t every
31 session ... and whenever requested by the grand jury, or the State's
32 Attorney", are deleted.

33 8-415. OATHS.

34 (A) GRAND JUROR.

35 EACH GRAND JUROR SHALL TAKE AN OATH IN SUBSTANTIALLY THE
36 FOLLOWING FORM:

37 "I (SWEAR/AFFIRM) TO ACT DILIGENTLY AND ACCORDING TO MY BEST
38 UNDERSTANDING WITH REGARD TO ALL MATTERS BEFORE THE GRAND
39 JURY; EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR AS EXPRESSLY

1 AUTHORIZED BY LAW, NOT TO DISCLOSE WILLFULLY ANY EVIDENCE
2 GIVEN BEFORE THE GRAND JURY, ANYTHING THAT I OR ANOTHER GRAND
3 JUROR SAYS, OR MY OR ANY OTHER GRAND JUROR'S VOTE AS TO A
4 MATTER BEFORE THE GRAND JURY; AND NOT TO ACT OR REFUSE TO ACT
5 ON ANY MATTER BEFORE THE GRAND JURY DUE TO AFFECTION, MALICE,
6 OR OTHER EMOTION OR DUE TO REWARD OR HOPE OR PROMISE OF
7 REWARD."

8 (B) BAILIFF.

9 EACH BAILIFF ASSIGNED TO A GRAND JURY SHALL TAKE A WRITTEN OATH IN
10 SUBSTANTIALLY THE FOLLOWING FORM:

11 "I (SWEAR/AFFIRM) TO CARRY OUT MY DUTIES AS BAILIFF TO THE GRAND
12 JURY TO THE BEST OF MY ABILITY AND KNOWLEDGE; TO DELIVER
13 IMMEDIATELY AND WITHOUT ALTERATION ALL PAPERS AND OTHER
14 THINGS THAT THE GRAND JURY SENDS TO THIS COURT; AND NOT TO
15 DISCLOSE WILLFULLY ANY EVIDENCE GIVEN BEFORE THE GRAND JURY,
16 ANYTHING THAT A GRAND JUROR SAYS, OR ANY GRAND JUROR'S VOTE AS
17 TO A MATTER BEFORE THE GRAND JURY, EXCEPT AS LAWFULLY ORDERED
18 BY THIS COURT OR AS EXPRESSLY AUTHORIZED BY LAW."

19 (C) CLERK.

20 EACH GRAND JURY CLERK SHALL TAKE A WRITTEN OATH IN SUBSTANTIALLY
21 THE FOLLOWING FORM:

22 "I (SWEAR/AFFIRM) NOT TO DISCLOSE WILLFULLY ANY EVIDENCE GIVEN
23 BEFORE THE GRAND JURY, ANYTHING THAT A GRAND JUROR SAYS, OR
24 ANY GRAND JUROR'S VOTE AS TO A MATTER BEFORE THE GRAND JURY,
25 EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR AS EXPRESSLY
26 AUTHORIZED BY LAW."

27 (D) COURT REPORTER.

28 EACH COURT REPORTER ORDERED TO RECORD TESTIMONY BEFORE A GRAND
29 JURY SHALL TAKE A WRITTEN OATH IN SUBSTANTIALLY THE FOLLOWING FORM:

30 "I (SWEAR/AFFIRM) NOT TO DISCLOSE WILLFULLY ANY EVIDENCE GIVEN
31 BEFORE THE GRAND JURY, ANYTHING THAT A GRAND JUROR SAYS, OR
32 ANY GRAND JUROR'S VOTE AS TO A MATTER BEFORE THE GRAND JURY,
33 EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR AS EXPRESSLY
34 AUTHORIZED BY LAW; AND NOT ALLOW ANY GOVERNMENTAL UNIT
35 OTHER THAN (THE STATE'S ATTORNEY/OTHER PROSECUTOR) OR PERSON
36 TO SEE OR HAVE A COPY OF ALL OR ANY PART OF THE TRANSCRIPT
37 EXCEPT ON A WRITTEN ORDER OF THIS COURT PASSED AFTER HEARING
38 THE (STATE'S ATTORNEY/OTHER PROSECUTOR)."

39 (E) INTERPRETER.

1 EACH INTERPRETER IN A GRAND JURY PROCEEDING SHALL TAKE AN OATH IN
2 SUBSTANTIALLY THE FOLLOWING FORM:

3 "I (SWEAR/AFFIRM) TO INTERPRET ACCURATELY, COMPLETELY, AND
4 IMPARTIALLY AND, EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR
5 AS EXPRESSLY AUTHORIZED BY LAW, NOT TO DISCLOSE KNOWINGLY ANY
6 INFORMATION OBTAINED WHILE SERVING IN THIS GRAND JURY
7 PROCEEDING."

8 COMMITTEE NOTE: Subsections (a), (c), and (d) of this section are new
9 language substituted for former CJ §§ 2-503(b)(1) and 8-213, former
10 Public Local Laws, Art. 14 [Howard County], § 7.304, former Public Local
11 Laws, Art. 16 [Montgomery County], § 12-22 (referring to a grand jury
12 clerk who, under § 12-23, must be a court reporter), and the first clause of
13 the former fourth sentence of Public Local Laws, Art. 4 [Baltimore City], §
14 7-7. The substitution revises Public Local Laws as statewide provisions.

15 Subsections (b) and (e) of this section are new and added for completeness.

16 The reference in subsection (a) of this section to "expressly authorized by
17 law" recognizes specific instances in which disclosure is allowed. E.g., CS
18 §§ 9-607 and 9-608 and the second clause of the former fourth sentence of
19 Public Local Laws, Art. 4 [Baltimore City], § 7-7 revised CJ § 8-417 as to
20 reports on investigations other than of correctional facilities. See also Md.
21 Rule 4-642(c).

22 The substitution deletes, in subsections (c) and (d) of this section, the
23 former references to the oath being taken "before the clerk of the circuit
24 court" and before "the clerk of the circuit court for Baltimore City".

25 The substitution uses, in subsection (c) of this section, the term "court
26 reporter", instead of the former, more limited references to a
27 "stenographer" and "clerk appointed under ... the preceding section", to
28 encompass other types of reporters.

29 The substitution also uses, in subsection (c) of this section, the word
30 "ordered" instead of the former word "appointed", to conform to revised CJ
31 § 2-503, which contemplates the designation of a grand jury reporter from
32 among court reporters regularly employed by or under contract with a
33 circuit court, instead of appointment by a jury judge or other circuit court
34 judge. As to a jury judge, see revised CJ § 8-204.

35 As to oaths administered to a witness before a grand jury, see revised CJ §
36 9-118.

37 As to "oath" including an affirmation, see Art. 1, § 9 of the Code.

38 8-416. RECORD.

39 (A) DUTY OF COURT REPORTER.

1 A COURT REPORTER ORDERED TO TAKE TESTIMONY GIVEN BEFORE A GRAND
2 JURY SHALL TAKE AND TRANSCRIBE THE TESTIMONY.

3 (B) TRANSCRIPT.

4 (1) A COURT REPORTER SHALL PROVIDE, AS REQUESTED, A TRANSCRIPT
5 OF TESTIMONY GIVEN BEFORE A GRAND JURY FOR A COUNTY TO THE GRAND JURY
6 AND STATE'S ATTORNEY FOR THE COUNTY.

7 (2) EACH TRANSCRIPT OF TESTIMONY GIVEN BEFORE A GRAND JURY
8 FOR A COUNTY SHALL BE KEPT IN THE CUSTODY OF THE STATE'S ATTORNEY FOR
9 THE COUNTY.

10 (3) UNLESS THE CIRCUIT COURT FOR A COUNTY ORDERS OTHERWISE
11 AFTER HEARING THE STATE'S ATTORNEY FOR THE COUNTY, NEITHER THE ORIGINAL
12 NOR A COPY OF THE TRANSCRIPT OF TESTIMONY GIVEN BEFORE A GRAND JURY MAY
13 BE TAKEN FROM THE OFFICE OF THE STATE'S ATTORNEY FOR THE COUNTY, OTHER
14 THAN FOR USE OF THE GRAND JURY OR FOR PRODUCTION IN COURT.

15 (4) ON WRITTEN ORDER OF THE CIRCUIT COURT FOR A COUNTY,
16 GRANTED ON WRITTEN MOTION OF THE STATE'S ATTORNEY FOR THE COUNTY, THE
17 STATE'S ATTORNEY MAY HAVE THE NOTES AS TO, AND TRANSCRIPT OF, GRAND JURY
18 TESTIMONY DESTROYED.

19 (C) USE.

20 EXCEPT ON WRITTEN ORDER OF THE CIRCUIT COURT FOR A COUNTY AFTER
21 HEARING THE STATE'S ATTORNEY FOR THE COUNTY:

22 (1) A RECORD OF TESTIMONY GIVEN BEFORE A GRAND JURY IS FOR THE
23 EXCLUSIVE USE AND BENEFIT OF THE GRAND JURY AND THE STATE'S ATTORNEY;
24 AND

25 (2) A COURT REPORTER MAY NOT:

26 (I) ALLOW ANY OTHER GOVERNMENTAL UNIT OR PERSON TO
27 READ OR HAVE A COPY OF ALL OR ANY PART OF THE RECORD; OR

28 (II) DISCLOSE WHOLLY OR PARTLY THE CHARACTER OF THE
29 CONTENTS OF THE RECORD TO ANY OTHER GOVERNMENTAL UNIT OR PERSON.

30 COMMITTEE NOTE: Subsection (a) of this section is new language derived
31 from the first sentence of former Public Local Laws, Art. 1 [Allegany
32 County], § 32-6G, Public Local Laws, Art. 14 [Howard County], § 7.303,
33 and the first sentence of former Public Local Laws, Art. 16 [Montgomery
34 County], § 12-23, as they related to taking testimony, and revised to apply
35 statewide.

36 Subsection (b)(1) through (3) of this section is new language derived from
37 the first and second sentences of former Public Local Laws, Art. 1

1 [Allegany County], § 32-6G, Public Local Laws, Art. 14 [Howard
2 County], § 7.305 and the first through 5th clause of § 7.303, and the first
3 and fourth sentences of former Public Local Laws, Art. 16 [Montgomery
4 County], § 12-23, as they related to making, holding, and using
5 transcripts, and revised to apply statewide.

6 Subsection (b)(4) of this section is new language derived from the sixth
7 clause of former Public Local Laws, Art. 14 [Howard County], § 7.303 and
8 revised to apply statewide.

9 Subsection (c)(1) of this section is new language derived from the reference
10 to use of testimony in former CJ § 2-503(a) and the references to a hearing
11 and written order in the second sentence of former Public Local Laws, Art.
12 1 [Allegany County], § 32-6G and the second sentence of former Public
13 Local Laws, Art. 16 [Montgomery County], § 12-23 and revised to apply
14 statewide.

15 Subsection (c)(2) of this section is new language derived from the second
16 sentence and, as they related to copying transcripts, the first sentence of
17 former Public Local Laws, Art. 1 [Allegany County], § 32-6G and the
18 second sentence of former Public Local Laws, Art. 16 [Montgomery
19 County], § 12-23 and revised to apply statewide.

20 In subsections (a) and (b)(1) of this section, the former references to
21 "shorthand", "stenographic notes", and "typewritten" transcripts are
22 deleted as too narrow in light of current methods of court reporting.

23 In subsection (b)(1) of this section, the former references to a "full"
24 transcript of "oral" testimony are deleted to allow for transcription of only
25 needed testimony. The deletion is not intended, however, to suggest that a
26 court reporter need not accurately take testimony in its entirety.

27 Also in subsection (b)(1) of this section, the former reference to providing a
28 transcript on request of a court is deleted as a court should order a State's
29 Attorney, as custodian, to provide a copy of a transcript.

30 In subsection (c)(2) of this section, references to a "governmental unit" are
31 added for completeness as "person" generally does not include such units
32 unless expressly stated. As to "person", see Art. 1, § 15 of the Code.

33 As to "county", see Art. 1, § 14 of the Code.

34 Defined term: "Circuit court" § 1-101

35 8-417. BALTIMORE CITY INVESTIGATIONS AND REPORTS.

36 (A) SCOPE OF SECTION.

37 THIS SECTION APPLIES ONLY TO A GRAND JURY FOR BALTIMORE CITY.

1 (B) INVESTIGATIONS.

2 IN ADDITION TO ANY OTHER DUTY IMPOSED BY LAW, EACH GRAND JURY SHALL
3 CARRY OUT AN INVESTIGATION AS A JUDGE OF THE CIRCUIT COURT DIRECTS.

4 (C) REPORTS.

5 AT THE END OF THE PERIOD FOR WHICH A GRAND JURY SITS, THE GRAND JURY
6 SHALL SUBMIT TO THE JURY COMMISSIONER OF THE CIRCUIT COURT A REPORT ON
7 EACH OF ITS INVESTIGATIONS AND RECOMMENDATIONS.

8 COMMITTEE NOTE: Subsection (a) of this section is new and added to state
9 expressly the scope of this section.

10 Subsections (b) and (c) of this section are new language derived without
11 substantive change from former Public Local Laws, Art. 4 [Baltimore
12 City], § 7-8, as it related to investigations other than visits to correctional
13 facilities. The codification of the Baltimore City provision here is merely
14 for convenience and is not intended, by reenactment of a single provision,
15 to alter any power of a grand jury with regard to recommendations in other
16 counties. See, e.g., in re report of grand jury of Baltimore City, 152 Md. 616
17 (1927).

18 In subsection (b) of this section, reference to "a judge" is substituted for the
19 former reference to "the Judges of the Circuit Court for Baltimore City or
20 the court's designated visiting Judge", to clarify that any one of the active
21 judges may order an investigation. The substitution includes a designated
22 judge who, while designated, is deemed a judge of the court to which
23 designated.

24 Former Public Local Laws, Art. 4 [Baltimore City], § 7-8, as it related to
25 visits to correctional, detention, and penal facilities, is deleted as
26 unnecessary in light of current CS §§ 9-607 and 9-608, as to inquiry into
27 State correctional facilities and visits to local correctional facilities.

28 Defined term: "jury commissioner" § 8-101

29 8-418. RESERVED.

30 8-419. RESERVED.

31 PART IV. TRIAL JURY.

32 8-420. PEREMPTORY CHALLENGES IN CRIMINAL CASES.

33 (A) CAPITAL OR LIFE CASE.

34 (1) THIS SUBSECTION APPLIES ONLY IN A CRIMINAL TRIAL IN WHICH A
35 DEFENDANT IS SUBJECT, ON ANY SINGLE COUNT, TO:

1 (I) A DEATH SENTENCE BECAUSE THE STATE HAS GIVEN NOTICE
2 OF INTENTION TO SEEK A DEATH SENTENCE IN ACCORDANCE WITH § 2-202 OF THE
3 CRIMINAL LAW ARTICLE; OR

4 (II) A SENTENCE OF LIFE IMPRISONMENT, INCLUDING A CASE IN
5 WHICH THE STATE HAS NOT GIVEN NOTICE OF INTENTION TO SEEK A DEATH
6 SENTENCE IN ACCORDANCE WITH § 2-202 OF THE CRIMINAL LAW ARTICLE BUT
7 EXCLUDING A COMMON LAW OFFENSE FOR WHICH NO SPECIFIC STATUTORY
8 PENALTY IS PROVIDED.

9 (2) EACH DEFENDANT IS ALLOWED 20 PEREMPTORY CHALLENGES.

10 (3) THE STATE IS ALLOWED 10 PEREMPTORY CHALLENGES FOR EACH
11 DEFENDANT.

12 (B) NONCAPITAL CASE - SENTENCE OF AT LEAST 20 YEARS.

13 (1) THIS SUBSECTION APPLIES ONLY IN A CRIMINAL TRIAL IN WHICH A
14 DEFENDANT IS SUBJECT, ON ANY SINGLE COUNT, TO A SENTENCE OF AT LEAST 20
15 YEARS, EXCLUDING A CASE SUBJECT TO SUBSECTION (A) OF THIS SECTION OR A
16 COMMON LAW OFFENSE FOR WHICH NO SPECIFIC STATUTORY PENALTY IS
17 PROVIDED.

18 (2) EACH DEFENDANT IS ALLOWED 10 PEREMPTORY CHALLENGES.

19 (3) THE STATE IS ALLOWED FIVE PEREMPTORY CHALLENGES FOR EACH
20 DEFENDANT.

21 (C) NONCAPITAL CASE - OTHER.

22 IN EVERY OTHER CRIMINAL TRIAL, EACH PARTY IS ALLOWED FOUR
23 PEREMPTORY CHALLENGES.

24 COMMITTEE NOTE: This section is new language derived without substantive
25 change from former CJ § 8-301(a) through (d).

26 8-421. MINIMUM SIZE OF JURY AND ARRAY.

27 (A) CIVIL JURY.

28 IN A CIVIL CASE IN WHICH A JURY TRIAL IS ALLOWED, THE JURY SHALL
29 CONSIST OF SIX JURORS.

30 (B) CIVIL ARRAY.

31 IF THE PARTIES IN A CIVIL CASE AGREE, A TRIAL JUDGE MAY DISPENSE WITH
32 SELECTING AN ARRAY OF AT LEAST 14 QUALIFIED JURORS.

33 (C) CRIMINAL ARRAY.

1 IF THE PARTIES IN A CRIMINAL CASE AGREE, A TRIAL JUDGE MAY DISPENSE
2 WITH SELECTING AN ARRAY OF AT LEAST 20 QUALIFIED JURORS.

3 COMMITTEE NOTE: Subsection (a) of this section is new language derived
4 without substantive change from former CJ § 8-306.

5 Subsections (b) and (c) of this section are new language derived from
6 former CJ § 8-303 and revised in the active voice to state affirmatively
7 that the discretion to dispense is a trial judge's. See also revised CJ §
8 8-310(a)(2).

9 In subsections (b) and (c) of this section, the words "selecting an array" are
10 substituted for the former words "drawing of a panel", in light of the use of
11 computers and conformity to Md. Rules 2-512(a) and 4-312(a).

12 Also in subsections (b) and (c) of this section, the defined term "qualified
13 juro[r]" is substituted for the former references to "jurors", for precision.

14 Former CJ § 8-305, which required 72-hour notice to waive the right to a
15 jury trial, is deleted as unnecessary.

16 Defined term: "Qualified juror" § 8-101

17 8-422. SEPARATION OR SEQUESTRATION.

18 AT ANY TIME BEFORE OR AFTER SUBMISSION OF A CASE TO A JURY, A TRIAL
19 JUDGE MAY ALLOW THE JURY TO SEPARATE OR BE SEQUESTERED.

20 COMMITTEE NOTE: This section is new language derived from former CJ §
21 8-304 and revised in the active voice to state expressly that the decision is
22 the trial judge's.

23 Reference to "after" submission is added, reference to "be[ing] sequestered"
24 is substituted for the former reference to "be[ing] kept in charge of proper
25 officers", and the former word "criminal" is deleted, to conform to Md.
26 Rules 2-511(c) and 4-311(c).

27 Reference to a "trial judge" is substituted for the former reference to a
28 "court" as then defined, a circuit court to avoid the inference that a
29 majority of the judges of a circuit court must concur.

30 The former reference to "discretion" is deleted as surplusage in light of the
31 word "may".

1 8-423. RESERVED.

2 8-424. RESERVED.

3 PART V. REIMBURSEMENT.

4 8-425. "PER DIEM" DEFINED.

5 IN THIS PART V OF THIS SUBTITLE, "PER DIEM" MEANS THE AMOUNT TO BE
6 PAID FOR ALL OF THE TIME FROM MIDNIGHT THROUGH A 24-HOUR PERIOD FOR
7 WHICH A CIRCUIT COURT REQUIRES A PROSPECTIVE, QUALIFIED, OR SWORN JUROR
8 TO BE IN ATTENDANCE AT OR IN PROXIMITY TO THE CIRCUIT COURT.

9 COMMITTEE NOTE: This section is new language substituted for former CJ §
10 8-106(a).

11 The substitution of "per diem" for "day" as the defined term avoids
12 confusion with day as used in other contexts and emphasizes that the
13 practice has been to treat the amount received as reimbursement instead
14 of compensation.

15 The substitution of "all of the time" for the former reference to the "length
16 of time" reflects that the total period need not be consecutive.

17 The addition of the phrase "from midnight" reflects that the 24-hour
18 period is during a single calendar day.

19 Reference to "prospective", "qualified", and "sworn" jurors is added to state
20 expressly that those individuals called, but not selected, for jury service
21 are included. Accordingly, the former phrase "in which the juror has been
22 called as a juror" is deleted.

23 Defined terms: "Circuit court" § 1-101

24 "Prospective juror" § 8-101

25 "Qualified juror" § 8-101

26 8-426. AMOUNT.

27 (A) BASIC.

28 SUBJECT TO SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL IS ENTITLED,
29 FOR EACH DAY THAT AN INDIVIDUAL IS REQUIRED TO BE IN ATTENDANCE AT OR
30 PROXIMITY TO A CIRCUIT COURT FOR A COUNTY FOR JURY SERVICE, TO:

31 (1) A STATE PER DIEM OF \$15; AND

32 (2) THE SUPPLEMENT, IF ANY, AUTHORIZED BY THE COUNTY.

33 (B) TRIAL JUROR.

34 A TRIAL JUROR IS ENTITLED:

1 (1) FOR THE FIRST 5 DAYS OF JURY SERVICE IN ONE TRIAL, TO A STATE
2 PER DIEM OF \$15; AND

3 (2) FOR EACH DAY OF JURY SERVICE IN ONE TRIAL IN EXCESS OF 5
4 DAYS, A STATE PER DIEM OF \$50.

5 COMMITTEE NOTE: Subsections (a)(1) and (b) of this section are new language
6 derived without substantive change from former CJ § 8-106(b) and revised
7 to clarify that the enhanced per diem is for a single lengthy trial.

8 Subsection (a)(2) of this section is added to state expressly that an
9 individual is entitled to the county supplement, if any, authorized under
10 revised CJ § 8-427.

11 In the introductory language of subsections (a) and (b) of this section, the
12 words "is entitled ... to" are substituted for the former words "shall
13 receive", to reflect that an individual may decline a per diem or
14 supplement. See, e.g., revised CJ § 8-430.

15 In the introductory language of subsection (a) of this section, reference to
16 being "in ... proximity to" court is added for consistency to former CJ §
17 8-106(a) revised CJ § 8-425.

18 Also in the introductory language of subsection (a) of this section, the word
19 "individual" and the phrase "for jury service" are substituted for the former
20 word "juror", to clarify that prospective, qualified, and sworn jurors all are
21 covered.

22 In the introductory language of subsection (b) of this section, reference to a
23 "trial" juror is substituted for the former reference to a "juror called to
24 serve as a petit juror", for brevity and conformity with the Council on Jury
25 Use and Management's preference for language more understandable to
26 the public.

27 Also in the introductory language of subsection (b) of this section, the
28 former phrase "[o]n or after July 1, 2005" is deleted as unnecessary.

29 As to "county", see Art. 1, § 14 of the Code.

30 As to a county-employed juror accepting or retaining fees, see, e.g.: revised
31 Public Local Laws, Art. 5 [Calvert County], § 86-4-501; Public Local
32 Laws, Art. 7 [Carroll County], § 48-33A; Public Local Laws, Art. 8 [Cecil
33 County], § A277-60B; Public Local Laws, Art. 9 [Charles County], §
34 197-12; Public Local Laws, Art. 13 [Harford County], § 38-38I(2); Howard
35 County employment manual (2/1/05) at 111; and Public Local Laws, Art. 18
36 [Queen Anne's County], § 27-91F(1).

37 Defined terms: "Circuit court" § 1-101

38 "Per diem" § 8-425

1 8-427. LOCAL LEVY AND SUPPLEMENT.

2 (A) MINIMUM SUPPLEMENT.

3 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
4 GOVERNMENT OF EACH COUNTY MAY SET, BY ORDINANCE, AN AMOUNT TO
5 SUPPLEMENT THE STATE PER DIEM AND, FOR EACH FISCAL YEAR.

6 (2) UNLESS, BY ORDINANCE, A COUNTY GOVERNMENT INCREASES OR
7 DECREASES THE SUPPLEMENT, THE AMOUNT SHALL BE ENOUGH TO KEEP A TOTAL
8 STATE PER DIEM AND COUNTY SUPPLEMENT EQUAL TO THE COUNTY PER DIEM AS
9 OF JUNE 30, 2001.

10 (B) COUNTY BUDGET.

11 THE GOVERNMENT OF EACH COUNTY SHALL LEVY AND APPROPRIATE FOR
12 EACH FISCAL YEAR THE AMOUNT NEEDED TO PAY THE STATE PER DIEM, PENDING
13 REIMBURSEMENT BY THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE
14 COUNTY SUPPLEMENT, IF ANY.

15 COMMITTEE NOTE: Subsection (a) of this section is new language derived
16 without substantive change from former CJ § 8-106(c) and the first
17 sentence of Ch. 652, § 6, Acts of 2000.

18 Subsection (b) of the section is new language derived from former Public
19 Local Laws, Art. 12 [Garrett County], § 58-2A, as it related to jurors;
20 Public Local Laws, Art. 13 [Harford County], § 38-38I(2); Public Local
21 Laws, Art. 17 [Prince George's County], § 7-101; and Public Local Laws,
22 Art. 24 [Worcester County], CJ § 1-203, state expressly that a county
23 must levy and appropriate the requisite amount, for consistency with
24 former CJ § 8-106(d) revised CJ § 8-428.

25 In subsection (a) of this section, the former references to Baltimore City
26 are deleted as unnecessary in light of Art. 1, § 14 of the Code.

27 Also in subsection (a) of this section, the word "local", which formerly
28 modified "ordinance", is deleted as unnecessary.

29 As to "county", see Art. 1, § 14 of the Code.

30 As to local levies and supplements, see, e.g., revised Public Local Laws,
31 Art. 9 [Charles County], § 27-7; Public Local Laws, Art. 12 [Garrett
32 County], former § 58-1 and revised § 58-2; Public Local Laws, Art. 15
33 [Kent County] § 17-3; former Public Local Laws, Art. 17 [Prince George's
34 County], § 7-101; and revised Public Local Laws, Art. 24 [Worcester
35 County], CJ § 1-203.

36 Defined term: "Per diem" § 8-425

1 8-428. STATE BUDGET.

2 THE STATE BUDGET FOR THE JUDICIAL BRANCH FOR EACH FISCAL YEAR SHALL
3 INCLUDE AN APPROPRIATION TO THE ADMINISTRATIVE OFFICE OF THE COURTS IN
4 THE AMOUNT NEEDED FOR THE STATE PER DIEM DURING THE YEAR.

5 COMMITTEE NOTE: This section is new language derived without substantive
6 change from former CJ § 8-106(d).

7 The phrases "for each fiscal year" and "during the year" are added for
8 clarity.

9 The former reference to "pay[ing] jurors" is deleted as the administrative
10 office reimburses counties for per diems that the counties pay.

11 As to "include", see Art. 1, § 30 of the Code.

12 Defined term: "Per diem" § 8-425

13 8-429. CERTIFICATE OF JURY COMMISSIONER.

14 THE JURY COMMISSIONER OF A CIRCUIT COURT SHALL ISSUE TO EACH
15 PROSPECTIVE, QUALIFIED, AND SWORN JUROR A SIGNED CERTIFICATE THAT
16 DOCUMENTS THE NUMBER OF DAYS THAT THE JUROR HAS BEEN REQUIRED TO BE IN
17 ATTENDANCE AT OR PROXIMITY TO THE CIRCUIT COURT FOR JURY SERVICE.

18 COMMITTEE NOTE: This section is new and added to provide documentation
19 needed to be paid (see, e.g., Public Local Laws, Art. 8 [Cecil County], §
20 A277-60B, revised Public Local Laws, Art. 9 [Charles County], §
21 27-7(b)(2), revised Public Local Laws, Art. 11 [Frederick County], §
22 2-5-1, and revised Public Local Laws, Art. 16 [Montgomery County], §
23 12-6).

24 Defined terms: "Circuit court" § 1-101

25 "Jury commissioner" § 8-101

26 "Prospective juror" § 8-101

27 "Qualified juror" § 8-101

28 8-430. DONATION.

29 PROSPECTIVE, QUALIFIED, OR SWORN JURORS MAY DONATE THEIR PER DIEM
30 AND SUPPLEMENT IN ACCORDANCE WITH A PROGRAM THAT THE JURY PLAN
31 AUTHORIZES.

32 COMMITTEE NOTE: This section is new and added to reflect the existence, in
33 several counties, of programs for donations. See revised CJ § 8-217.

34 Defined terms: "Jury plan" § 8-201

35 "Per diem" § 8-425

36 "Prospective juror" § 8-101

1 "Qualified juror" § 8-101

2 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

3 8-501. EMPLOYMENT LOSS.

4 (A) PROHIBITED ACT.

5 AN EMPLOYER MAY NOT DEPRIVE AN INDIVIDUAL OF EMPLOYMENT OR
6 COERCE, INTIMIDATE, OR THREATEN TO DISCHARGE AN INDIVIDUAL BECAUSE THE
7 INDIVIDUAL LOSES EMPLOYMENT TIME IN RESPONDING TO A SUMMONS UNDER
8 THIS TITLE OR ATTENDING, OR BEING IN PROXIMITY TO, A CIRCUIT COURT FOR JURY
9 SERVICE UNDER THIS TITLE.

10 (B) PENALTY.

11 A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS SUBJECT TO A
12 FINE NOT EXCEEDING \$1,000.

13 COMMITTEE NOTE: This section is new language derived from former CJ §§
14 8-105(a) and 8-401(a).

15 In subsection (a) of this section, references to coercion, intimidation, and
16 threats are added, and the former word "solely" is deleted, to ensure better
17 protection of employment.

18 Also in subsection (a) of this section, reference to "being in proximity to"
19 court is added for consistency to former CJ § 8-106(a) now revised CJ §
20 8-425.

21 Also in subsection (a) of this section, reference to "employment" time is
22 substituted for the former reference to "job" time, for internal consistency.

23 Also in subsection (a) of this section, reference to "jury service" is
24 substituted for the former reference to "service or prospective service as a
25 petit or grand juror", for brevity.

26 As to "may not" and "person", see Art. 1, §§ 26 and 15 of the Code,
27 respectively.

28 Defined term: "Circuit court" § 1-101

29 8-502. LEAVE.

30 (A) PROHIBITED ACT.

31 AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO USE THE EMPLOYEE'S
32 ANNUAL, SICK, OR VACATION LEAVE TO RESPOND TO A SUMMONS UNDER THIS TITLE
33 FOR JURY SERVICE.

34 (B) PENALTY.

1 A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS SUBJECT TO A
2 FINE NOT EXCEEDING \$1,000.

3 COMMITTEE NOTE: Subsection (a) of this section is new language derived
4 from former CJ § 8-105(b).

5 Subsection (b) of this section is new language derived without substantive
6 change from former CJ § 8-401(a).

7 In subsection (a) of this section, the former reference to a "petit" jury is
8 deleted, to expand protection to grand jurors.

9 As to "may not" and "person", see Art. 1, §§ 26 and 15 of the Code,
10 respectively.

11 As to other laws governing leave, see, e.g., Public Local Laws, Art. 2 [Anne
12 Arundel County], Art. 8 § 1-305; Baltimore County Personnel Rules, Title
13 8, Rule 24.02; Public Local Laws, Art. 5[Calvert County], §§ 86-4-501
14 and 86-4-1101; Public Local Laws, Art. 7 [Carroll County], § 48-33;
15 Public Local Laws, Art. 8 [Cecil County], § A277-60; Public Local Laws,
16 Art. 9 [Charles County], § 197-12; Public Local Laws, Art. 13 [Harford
17 County], § 38-38(I); Howard County Employment Manual (2/1/05) at 111;
18 and Public Local Laws, Art. 17 [Prince George's County] § 16-222(a)(1).

19 8-503. FAILURE TO RETURN COMPLETED JUROR QUALIFICATION FORM.

20 (A) PROHIBITED ACT.

21 A PERSON WHO IS SUMMONED FOR JURY SERVICE UNDER THIS TITLE MAY NOT
22 FAIL TO RETURN A COMPLETED JUROR QUALIFICATION FORM.

23 (B) SHOW CAUSE.

24 A JURY JUDGE MAY ORDER A PERSON WHO VIOLATES ANY PROVISION OF THIS
25 SECTION TO APPEAR AND SHOW CAUSE FOR EACH VIOLATION.

26 (C) PENALTIES.

27 A PERSON WHO FAILS TO SHOW GOOD CAUSE FOR A VIOLATION OF THIS
28 SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT
29 EXCEEDING 30 DAYS OR BOTH.

30 COMMITTEE NOTE: This section is new language derived from former CJ §
31 8-401(b), as it related to return of forms.

32 In subsection (a) of this section, the phrase "under this title" is added for
33 clarity.

34 In subsection (b) of this section, reference to a "jury judge" is substituted
35 for the former reference to a "court" as then defined, a circuit court to avoid
36 the inference that a majority of the judges of a circuit court must concur. As

1 to a jury judge, see revised CJ § 8-204.

2 Also in subsection (b) of this section, the word "may" is substituted for the
3 former word "shall", to allow discretion because of the inconvenience
4 resulting from noncompliance and as to civil or criminal contempt
5 enforcement.

6 Also in subsection (b) of this section, reference to showing cause as to "each
7 violation" is substituted for the former reference to a penalty "for each
8 infraction", to emphasize that the show cause order should set out, with
9 specificity, each violation being alleged.

10 Also in subsection (b) of this section, the former word "forthwith" is deleted
11 to reflect local practice to issue show cause orders in groups.

12 In subsection (c) of this section, reference to "\$1,000" and "30 days" is
13 substituted for the former \$100 and/or 3-day penalties.

14 As to "may not" and "person", see Art. 1, §§ 26 and 15 of the Code,
15 respectively.

16 8-504. FAILURE TO APPEAR FOR JURY SERVICE.

17 (A) PROHIBITED ACT.

18 A PERSON MAY NOT FAIL TO APPEAR FOR JURY SERVICE AS SUMMONED UNDER
19 THIS TITLE.

20 (B) SHOW CAUSE.

21 A JURY JUDGE MAY ORDER A PERSON WHO VIOLATES ANY PROVISION OF THIS
22 SECTION TO APPEAR AND SHOW CAUSE FOR EACH VIOLATION.

23 (C) PENALTIES.

24 A PERSON WHO FAILS TO SHOW GOOD CAUSE FOR A VIOLATION OF THIS
25 SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT
26 EXCEEDING 60 DAYS OR BOTH.

27 COMMITTEE NOTE: This section is new language derived from former CJ §
28 8-401(b), as it related to appearance for jury service.

29 In subsection (a) of this section, the phrase "under this title" is added for
30 clarity.

31 In subsection (b) of this section, reference to a "jury judge" is substituted
32 for the former reference to a "court" as then defined, a circuit court to avoid
33 the inference that a majority of the judges of a circuit court must concur. As
34 to a jury judge, see revised CJ § 8-204.

35 Also in subsection (b) of this section, the word "may" is substituted for the

1 former word "shall", to allow discretion because of the inconvenience
2 resulting from noncompliance and as to civil or criminal contempt
3 enforcement.

4 Also in subsection (b) of this section, reference to showing cause as to "each
5 violation" is substituted for the former reference to a penalty "for each
6 infraction", to emphasize that the show cause order should set out, with
7 specificity, each violation being alleged.

8 Also in subsection (b) of this section, the former word "forthwith" is deleted
9 to reflect local practice to issue show cause orders in groups.

10 In subsection (c) of this section, reference to "\$1,000" and "60 days" is
11 substituted for the former \$100 and/or 3-day penalties.

12 As to "may not" and "person", see Art. 1, §§ 26 and 15 of the Code,
13 respectively.

14 8-505. FAILURE TO COMPLETE JURY SERVICE.

15 (A) PROHIBITED ACT.

16 A PERSON WHO IS SUMMONED FOR JURY SERVICE UNDER THIS TITLE MAY NOT
17 FAIL TO COMPLETE JURY SERVICE AS DIRECTED.

18 (B) SHOW CAUSE.

19 A JURY JUDGE MAY ORDER A PERSON WHO VIOLATES ANY PROVISION OF THIS
20 SECTION TO APPEAR AND SHOW CAUSE FOR EACH VIOLATION.

21 (C) PENALTIES.

22 A PERSON WHO FAILS TO SHOW GOOD CAUSE FOR A VIOLATION OF THIS
23 SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT
24 EXCEEDING 90 DAYS OR BOTH.

25 COMMITTEE NOTE: This section is new language derived from former CJ §
26 8-401(b), as it related to failure to complete jury service.

27 In subsection (b) of this section, reference to a "jury judge" is substituted
28 for the former reference to a "court" as then defined, a circuit court to avoid
29 the inference that a majority of the judges of a circuit court must concur. As
30 to a jury judge, see revised CJ § 8-204.

31 Also in subsection (b) of this section, the word "may" is substituted for the
32 former word "shall", to allow discretion based on, e.g., the inconvenience
33 resulting from non-compliance and as to civil or criminal contempt
34 enforcement.

35 Also in subsection (b) of this section, reference to showing cause as to "each
36 violation" is substituted for the former reference to a penalty "for each

1 infraction", to emphasize that the show cause order should set out, with
2 specificity, each violation being alleged.

3 Also in subsection (b) of this section, the former word "forthwith" is deleted
4 to reflect local practice to issue show cause orders in groups.

5 In subsection (c) of this section, reference to "\$1,000" and "90 days" is
6 substituted for the former \$100 and/or 3-day penalties.

7 As to "may not" and "person", see Art. 1, §§ 26 and 15 of the Code,
8 respectively.

9 8-506. MATERIAL MISREPRESENTATION.

10 (A) PROHIBITED ACT.

11 A PERSON MAY NOT WILLFULLY MISREPRESENT A MATERIAL FACT ON A JUROR
12 QUALIFICATION FORM FOR THE PURPOSE OF AVOIDING OR OBTAINING SERVICE AS A
13 JUROR UNDER THIS TITLE.

14 (B) PENALTIES.

15 A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A
16 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$ 5,000
17 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

18 COMMITTEE NOTE: This section is new language derived from former CJ §
19 8-401(c).

20 In subsection (a) of this section, the phrase "under this title" is added for
21 clarity.

22 In subsection (b) of this section, the phrase "guilty of a misdemeanor" is
23 added to state expressly that which was only implied in the former law. In
24 this State, any crime that was not a felony at common law and has not
25 been declared to be a felony by statute is considered to be a misdemeanor.
26 See State v. Canova, 278 Md. 483, 490 (1976); Bowser v. State, 136 Md.
27 342, 345 (1920); Dutton v. State, 123 Md. 373, 378 (1914); and Williams v.
28 State, 4 Md. App. 342, 347 (1968).

29 Also in subsection (b) of this section, reference to a fine of "\$5,000" is
30 substituted for the former "\$500", and the words "or both" are added.

31 8-507. GRAND JURY SECRECY.

32 (A) PROHIBITED ACT.

33 A PERSON MAY NOT DISCLOSE ANY CONTENT OF A GRAND JURY PROCEEDING.

34 (B) PENALTIES.

1 A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A
2 MISDEMEANOR AND, ON CONVICTION, SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
3 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

4 (C) REPORTS.

5 THIS SECTION DOES NOT PREVENT:

6 (1) A GRAND JURY FROM SUBMITTING A REPORT AS REQUIRED BY LAW;
7 OR

8 (2) ANY OTHER GOVERNMENTAL UNIT OR PERSON MAKING A
9 DISCLOSURE AUTHORIZED BY LAW.

10 COMMITTEE NOTE: Subsections (a), (b), and (c)(2) of this section are new
11 language derived without substantive change from former CJ §§
12 2-503(b)(2) and 8-213.

13 Subsection (c)(1) of this section is added to recognize specific instances in
14 which disclosure is allowed. E.g., CS §§ 9-607 and 9-608 and the second
15 clause of the former fourth sentence of Public Local Laws, Art. 4
16 [Baltimore City], § 7-7 revised CJ § 8-417 as to reports on investigation
17 other than of correctional facilities. See also Md. Rule 4-642(c).

18 In subsection (b) of this section, the phrase "guilty of a misdemeanor" is
19 added to state expressly that which was only implied in the former law. In
20 this State, any crime that was not a felony at common law and has not
21 been declared to be a felony by statute is considered to be a misdemeanor.
22 See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md.
23 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v.*
24 *State*, 4 Md. App. 342, 347 (1968).

25 In subsection (c)(2) of this section, reference to a "governmental unit" is
26 added for completeness as "person" generally does not include such units
27 unless expressly stated. As to "person", see Art. 1, § 15 of the Code.

28 Former Public Local Laws, Art. 1 [Allegany County], § 32-6H, former
29 Public Local Laws, Art. 14 [Howard County], § 7.306, former Public Local
30 Laws, Art. 16 [Montgomery County], § 12-24, and the second clause of the
31 former fourth sentence of Public Local Laws, Art. 4 [Baltimore City], §
32 7-7, which created similar offenses for court reporter of the respective
33 jurisdiction and the City's grand jury clerk and provided, except in Howard
34 County, identical penalties, are deleted as unnecessary.

35 9-118.

36 (B) IT MAY BE ADMINISTERED IN THE PRESENCE OF THE GRAND JURY BY ITS
37 FOREPERSON OR ANOTHER MEMBER APPOINTED BY THE FOREPERSON.

1 COMMITTEE NOTE: This subsection is derived without substantive change
2 from former CJ § 9-118(b).

3 **Article - Election Law**

4 3-506. COPIES OF LIST.

5 (A) PROVIDING - REGISTERED VOTER.

6 (1) A COPY OF A LIST OF REGISTERED VOTERS SHALL BE PROVIDED TO A
7 MARYLAND REGISTERED VOTER ON RECEIPT OF:

8 (I) A WRITTEN APPLICATION; AND

9 (II) A STATEMENT, SIGNED UNDER OATH, THAT THE LIST IS NOT
10 INTENDED TO BE USED FOR:

11 1. COMMERCIAL SOLICITATION; OR

12 2. ANY OTHER PURPOSE NOT RELATED TO THE ELECTORAL
13 PROCESS.

14 (2) IN CONSULTATION WITH THE LOCAL BOARDS, THE STATE BOARD
15 SHALL ADOPT REGULATIONS THAT SPECIFY:

16 (I) THE TIME FOR A LIST TO BE PROVIDED UNDER THIS
17 SUBSECTION;

18 (II) THE AUTHORIZATION TO BE REQUIRED FOR PROVIDING A LIST;

19 (III) THE FEE TO BE PAID FOR PROVIDING A LIST;

20 (IV) THE INFORMATION TO BE INCLUDED ON A LIST;

21 (V) THE FORMAT OF THE INFORMATION; AND

22 (VI) THE MEDIUM OR MEDIA ON WHICH THE INFORMATION IS TO BE
23 PROVIDED.

24 (B) PROVIDING - JURY COMMISSIONER.

25 (1) THE STATE ADMINISTRATOR OR A DESIGNEE SHALL PROVIDE A COPY
26 OF THE STATEWIDE VOTER REGISTRATION LIST AND VOTER REGISTRATION
27 RECORDS TO A JURY COMMISSIONER ON REQUEST AND WITHOUT CHARGE BY
28 MEANS AGREED TO WITH THE ADMINISTRATIVE OFFICE OF THE COURTS.

29 (2) ON APPLICATION OF THE ATTORNEY GENERAL, A CIRCUIT COURT
30 MAY COMPEL COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

31 (C) PROHIBITED ACT AND PENALTIES.

1 A PERSON WHO KNOWINGLY ALLOWS A LIST OF REGISTERED VOTERS, UNDER
2 THE PERSON'S CONTROL, TO BE USED FOR ANY PURPOSE NOT RELATED TO THE
3 ELECTORAL PROCESS IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS
4 SUBJECT TO THE PENALTIES UNDER TITLE 16 OF THIS ARTICLE.

5 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
6 also repealed and reenacted this section to renumber former subsection (b)
7 as subsection (a)(2) and to add a new subsection (b), which is derived from
8 former CJ § 8-204(a) and (c). The State Administrator was required to
9 allow a jury commissioner to access and copy the list and records and a
10 circuit court was authorized to compel compliance. In practice, data are
11 provided from time to time electronically. Stylistic changes also were
12 made.

13 **Article - Labor and Employment**

14 3-709. JURY SERVICE.

15 AN EMPLOYEE HAS THE DUTIES AND RIGHTS SET FORTH:

16 (1) WITH RESPECT TO JURY SERVICE IN A CIRCUIT COURT OF THIS
17 STATE, IN TITLE 8 OF THE COURTS ARTICLE; AND

18 (2) WITH RESPECT TO JURY SERVICE IN A FEDERAL COURT, IN 28 U. S. C.
19 § 1861 ET SEQ.

20 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
21 added this section as a general reference to employee duties and rights
22 under federal and State law.

23 **Article - Public Safety**

24 13-218. JURY SERVICE.

25 THE MILITARY DEPARTMENT SHALL ADOPT REGULATIONS FOR EXEMPTION OF
26 A MEMBER OF THE ORGANIZED MILITIA FROM STATE JURY SERVICE THAT WOULD
27 UNREASONABLY INTERFERE WITH THE PERFORMANCE OF THE MEMBER'S MILITARY
28 DUTIES OR AFFECT ADVERSELY THE READINESS OF THE ACTIVITY, COMMAND, OR
29 UNIT TO WHICH THE MEMBER IS ASSIGNED.

30 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
31 added this section to make the exemption from jury service for militia
32 members more consistent with the exemption for active armed forces
33 members. See revised CJ § 8-306(4).

34 **Article - Transportation**

35 12-113. COPIES OF ADMINISTRATION RECORD.

36 (A) PROVIDING.

1 (1) SUBJECT TO § 12-111 OF THIS SUBTITLE AND § 10-616(P) OF THE
2 STATE GOVERNMENT ARTICLE, THE ADMINISTRATOR OR ANY OTHER OFFICER OR
3 EMPLOYEE OF THE ADMINISTRATION WHOM THE ADMINISTRATOR DESIGNATES MAY
4 PROVIDE ON REQUEST A CERTIFIED OR OTHER COPY OF A RECORD OF THE
5 ADMINISTRATION.

6 (2) THE ADMINISTRATION SHALL:

7 (I) PROVIDE, ANNUALLY OR ON REQUEST, THE INFORMATION
8 ABOUT HOLDERS OF DRIVER'S LICENSES AND IDENTIFICATION CARDS REQUIRED BY
9 JURY COMMISSIONERS TO CARRY OUT THEIR DUTIES UNDER TITLE 8 OF THE COURTS
10 ARTICLE; AND

11 (II) COOPERATE WITH JURY COMMISSIONERS IN CORRECTING
12 ERRORS IN OR OTHERWISE UPDATING THE INFORMATION PROVIDED.

13 (3) ON APPLICATION OF THE ATTORNEY GENERAL, A CIRCUIT COURT
14 MAY COMPEL COMPLIANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

15 (B) FEE.

16 (1) (I) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,
17 THE ADMINISTRATION MAY SET AND CHARGE A FEE FOR EACH RECORD IT PROVIDES
18 OR CERTIFIES.

19 (II) REVENUE FROM A FEE UNDER THIS SECTION IS NOT SUBJECT
20 TO DISTRIBUTION UNDER TITLE 8, SUBTITLE 4 OF THIS ARTICLE.

21 (2) THE ADMINISTRATION MAY NOT CHARGE A FEE TO A COURT OR ITS
22 JURY COMMISSIONER, A FIRE DEPARTMENT, OR A POLICE AGENCY IN THIS OR ANY
23 OTHER STATE OR A POLICE AGENCY OR COURT OF THE UNITED STATES
24 GOVERNMENT.

25 (3) THE LIMITS UNDER § 10-621 OF THE STATE GOVERNMENT ARTICLE
26 DO NOT APPLY TO A FEE UNDER THIS SUBSECTION.

27 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
28 also repealed former TR § 12-113(a) and enacted this section, to add new
29 subsections (a)(2) and (3) and (b)(2), which is substituted for, or derived
30 without substantive change from, former CJ § 8-204(b)(1), and §
31 8-204(b)(2) and TR § 12-113(a)(3), and § 8-204(c), respectively. Former §
32 8-204(b) required MVA to allow a jury commissioner to access and copy
33 MVA lists, but in practice, data are provided from time to time
34 electronically. Stylistic changes also were made. Ch._____ also renumbered
35 former TR § 12-113(b) as CJ § 10-106.

1 13-403.

2 (B) (1) THE APPLICATION SHALL CONTAIN THE INFORMATION THAT THE
3 ADMINISTRATION REASONABLY REQUIRES TO DETERMINE WHETHER A VEHICLE IS
4 ENTITLED TO REGISTRATION.

5 (2) THE ADMINISTRATION SHALL INCLUDE WITH EACH APPLICATION
6 FORM NOTICE THAT THE APPLICANT SHOULD PROVIDE THE APPROPRIATE JURY
7 COMMISSIONER WITH INFORMATION AS TO CHANGES OF ADDRESS, CHANGES IN
8 CITIZENSHIP, OR OTHER CHANGES AFFECTING JUROR QUALIFICATION.

9 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
10 also repealed former TR § 13-403(b) and enacted a new subsection (b) to
11 add paragraph (2).

12 As to "include", see Art. 1, § 30 of the Code, and as to State citizenship, see
13 Moore v. Illinois, 55 U.S. 13, 14 How. 13, 1852 WL 6776, 14 L.Ed. 306
14 (1852).

15 16-106.

16 (b) The application shall state:

17 (1) The full name, Maryland residence address, employer, race, sex,
18 height, weight, general physical condition, [and] date of birth, AND CITIZENSHIP of
19 the applicant;

20 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
21 also amended subsection (b)(1) of this section to add the reference to
22 "citizenship", to facilitate implementation of the provisions of revised CJ §
23 8-206(b)(1), which requires use of MVA lists, and revised CJ § 8-103(a)(2),
24 which requires U. S. citizenship for jury service.

25 **Article 1 - Allegany County**

26 32-1.

27 [There shall be two (2) annual terms of the Circuit Court for Allegany County
28 held at Cumberland, both of which shall be jury terms. The two (2) terms shall
29 commence on the first Monday in April and the first Monday in October, respectively,
30 in each year, and to each of said terms, juries shall be summoned and returned in the
31 mode and manner prescribed by law; provided, however, that, when any of the
32 above-mentioned days shall fall on a day set apart by the laws of Maryland as a legal
33 holiday, the term of court so falling thereon shall begin on the day next succeeding,
34 and writs and processes and appearances to writs and processes issued out of said
35 Court shall be returnable accordingly.] In the trial of any case in said Court on either
36 the law or equity side thereof, the Judges or Judge presiding shall have the power and
37 authority to employ a stenographer or shorthand reporter to take down the
38 proceedings, including the testimony and opinion of the Court, for the use of the

1 Court, and the County Commissioners shall levy such compensation for the service of
2 said stenographer or shorthand reporters as the Court or Judge thereof shall approve.

3 COMMITTEE NOTE: Ch._____, Acts of 2006, amended this section to delete the
4 first two sentences, which provided for jury terms, for consistency with
5 revised CJ Title 8.

6 As the balance of this section related only to employment of a reporter and
7 the necessary county levy, no change was made, although stenography or
8 shorthand do not encompass more recent methods of court reporting and
9 the distinction between law and equity was abrogated in the 1984 revision
10 of the Title 2 rules.

11 **Article 4 - Baltimore City**

12 7-7.

13 The circuit court for Baltimore City is authorized to appoint a qualified person
14 to serve as Grand Jury Clerk, who shall be on the staff of the Jury Commissioner,
15 serve at the pleasure of the Circuit Court for Baltimore City, and be paid such salary
16 as shall be provided in the budget of the Court.

17 The Circuit Court for Baltimore City is authorized to employ such official
18 reporters as may be necessary to record the proceedings before the grand jury, and
19 such reporters shall be paid such salaries as shall be provided in the budget of the
20 Court.

21 [At the request of the grand jury, the reporters, the State's Attorney, or an
22 Assistant State's Attorney may attend the sessions of the grand jury, but shall not be
23 present when the grand jury votes on any presentment or indictment. The Grand
24 Jury Clerk and every such reporter, before entering upon their duties, shall take an
25 oath before the Clerk of the Circuit Court for Baltimore City that they will keep secret
26 all matters occurring before any grand jury; and any clerk or reporter shall, upon
27 conviction of having disclosed to anyone a matter occurring before a grand jury, be
28 deemed guilty of a misdemeanor and subject to a fine of \$1,000, or one year
29 imprisonment or both.]

30 COMMITTEE NOTE: Ch._____, Acts of 2006, amended this section to delete the
31 third paragraph, which provided for attendance at grand jury proceedings
32 and secrecy now revised CJ § 8-413 as to the State's Attorney and
33 assistants; revised CJ § 8-414 as to oaths; and revised CJ § 8-507 as to
34 crimes.

35 As the balance of this section related only to employment of a grand jury
36 clerk and reporters and the necessary City levy, no change was made.

1

Article 5 - Calvert County

2 86-4-501.

3 Merit employees and part-time and grant-funded employees regularly
4 scheduled to work 50% or more of the normal pay period are eligible for jury leave in
5 accordance with the terms of this article. Contractual and appointed employees are
6 eligible for jury leave only if such leave is granted by an express term of their
7 employment contract or appointment, respectively. Employees not eligible for jury
8 leave shall be entitled to an unpaid leave of absence under Article XI of Part 4,
9 Unpaid Leave of Absence, of this chapter. An eligible employee who serves as a
10 member of any jury shall be permitted to be absent from work without loss of pay and
11 without charge against leave. Jurors may retain [compensation] THE STATE PER
12 DIEM AND COUNTY SUPPLEMENT, IF ANY, received for jury service. Any employee
13 [called] SUMMONED for jury service must present his/her orders to his/her
14 Supervisor upon receipt. Any time during the period of jury service on which it is
15 determined that the employee's service is not required as a jury member, or upon
16 completion of service for the day, the employee shall immediately report to the
17 Supervisor for duty.

18 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
19 also amended this section to substitute the reference to the "State per
20 diem" and "county supplement" for the former reference to "compensation",
21 to reflect the practice of treating the payment as reimbursement, and to
22 substitute "summoned" for "called" as more precise.

23

Article 9 - Charles County

24 27-7.

25 (A) It shall be the duty of the County Commissioners to levy for the use of the
26 Treasurer of Charles County, annually in advance, such sum of money as they may
27 deem sufficient to discharge all claims which may accrue for the attendance of
28 bailiffs, crier, messengers, [jurors] and witnesses for [the term of] the Circuit Court
29 for one year next succeeding the first day of January after said levy[, and said].

30 (B) (1) THE COUNTY Treasurer shall collect and have ready said money to
31 pay said bailiffs, crier, messengers, [jurors] and witnesses, in cash[, at and during
32 said terms of court and immediately upon the adjournment thereof] upon a certificate
33 from the Clerk of said court as to the amount due to each of the same.

34 (2) THE COUNTY TREASURER SHALL COLLECT AND HAVE READY MONEY
35 TO PAY EACH PROSPECTIVE, QUALIFIED, AND SWORN JUROR ON A CERTIFICATE
36 THAT IS SIGNED BY THE JURY COMMISSIONER AND STATES THE NUMBER OF DAYS
37 THAT EACH HAS BEEN REQUIRED TO BE IN ATTENDANCE AT OR IN PROXIMITY TO
38 THE COURT FOR JURY SERVICE.

39 (C) Any failure upon the part of said County Commissioners to make said levy
40 as aforesaid shall be deemed a misdemeanor, for which they shall be liable to the

1 penalty of a fine of not [less than \$25 nor] more than \$100 each, upon conviction
 2 [before a Justice of the Peace or the Circuit Court for Charles County as in the case
 3 of other misdemeanors in which Justices of the Peace and the Circuit Court have
 4 concurrent jurisdiction under the existing law].

5 (D) In case said Treasurer shall fail to collect said money, unless it shall be
 6 known in his defense that the failure to collect the same was through no fault or
 7 neglect on his part, he shall be similarly fined as in the case of the County
 8 Commissioners as aforesaid and shall be liable to removal from office by said County
 9 Commissioners upon conviction.

10 COMMITTEE NOTE: Ch._____, Acts of 2006, amended this section to: (1)
 11 renumber it as subsections (a), (b)(1), (c), and (d); (2) delete the former
 12 references to jury terms, for consistency with revised CJ Title 8; (3) delete
 13 the former reference to "a Justice of the Peace or the Circuit Court for
 14 Charles County as in the case of other misdemeanors in which Justices of
 15 the Peace and the Circuit Court have concurrent jurisdiction under the
 16 existing law", as jurisdiction in misdemeanor cases is in the District Court
 17 and is not concurrent unless the authorized penalty is 3 years' confinement
 18 or more or a fine of \$2,500 or more. See current CJ §§ 4-301(b)(1) and
 19 4-302(d)(1)(i); (4) delete the former reference to "jurors" in subsections (a)
 20 and (b)(1); and (5) add subsection (b)(2). The addition provides for a "jury
 21 commissioner", instead of the "clerk of the circuit court", to issue a
 22 certificate and, for consistency with revised CJ §§ 8-425 and 8-429, refers
 23 to "prospective, qualified, or sworn" jurors and attendance at or "in
 24 proximity to" a court.

25 As renumbered subsections (a) and (b)(1) of this section do not relate to
 26 jurors, no further change was made, although the references to witnesses
 27 may be obsolete in light of Ch. 192, Acts of 2005.

28 The reference to "less than \$25" in subsection (c) of this section is deleted
 29 in light of the provisions on mandatory minimums in § 14-102 of the
 30 Criminal Law Article.

31 As to levies for jury service, see revised CJ § 8-427(b).

32 **Article 10 - Dorchester County**

33 10-21.

34 The County Commissioners shall, at the end of each fiscal year or more often if
 35 it shall be deemed necessary, have an audit made of the accounts of the Treasurer and
 36 Collector for Dorchester County. The audit shall show how much was appropriated
 37 under each item of the budget and also how much was expended under each item of
 38 the budget, and it shall show especially if any item of the budget has been exceeded
 39 and by how much. A copy of the audit shall be delivered by the Auditor to the Clerk of
 40 the Circuit Court for Dorchester County, and the Judge of the Circuit Court who
 41 delivers the charge to the grand jury [at the March session each year] NEXT SITTING

1 shall call the attention of the grand jury to the audit and shall state to the grand jury
2 any item of the budget that may be overdrawn and by how much the item has been
3 overdrawn. The Court shall also call the attention of the grand jury to the penalty for
4 expending money on any item of the budget in excess of the amount levied for and
5 stated in the budget. A summary of all expenditures shall be published in accordance
6 with Article 25, § 24(B) of the Annotated Code of Maryland, and an itemized
7 statement of county expenses shall be available for public inspection in the office of
8 the Clerk to the County Commissioners.

9 COMMITTEE NOTE: Ch._____, Acts of 2006, amended this section to delete the
10 former references to jury terms, for consistency with revised CJ Title 8.

11 The referenced "Article 25, § 24(b)" has been repealed. See, however, Art.
12 19, § 40 of the Code.

13 **Article 11 - Frederick County**

14 2-5-1.

15 A certificate THAT IS signed by the [clerk of the circuit court, stating] JURY
16 COMMISSIONER AND STATES the number of days [which] THAT each PROSPECTIVE,
17 QUALIFIED, OR SWORN juror [shall have attended such] HAS BEEN REQUIRED TO BE
18 IN ATTENDANCE AT OR IN PROXIMITY TO THE court FOR JURY SERVICE and the sum
19 due [to him] for such [attendance] SERVICE shall be sufficient authority for the
20 county to pay the amount specified in [such] THE certificate.

21 COMMITTEE NOTE: Ch._____, Acts of 2006, amended this section to substitute
22 reference to a "jury commissioner" for the former references to the "clerk of
23 the circuit court", to add the words "prospective, qualified, or sworn" to
24 modify "juror", and to add the phrase "in proximity to" the court, for
25 consistency with revised CJ §§ 8-425 and 8-429. Additional stylistic
26 changes were made.

27 **Article 12 - Garrett County**

28 58-2.

29 A. The County Commissioners shall annually levy such sum of money as they
30 may deem sufficient to pay [jurors and] state's witnesses of said county for the
31 ensuing year[, which sum of].

32 B. THE COUNTY TREASURER SHALL COLLECT, DISBURSE, AND ACCOUNT FOR
33 THE money [shall be collected, disbursed to said jurors and] LEVIED FOR state's
34 witnesses [and accounted for by] AS the County Treasurer [as] COLLECTS,
35 DISBURSES, AND ACCOUNTS FOR other levies [are collected, disbursed and accounted
36 for by him].

37 [B.] C. Any surplus that may remain in the hands of said Treasurer shall be
38 a contingent fund for paying [said] jurors.

1 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
2 also amended this section, to delete the former references to the levy for
3 jurors - now revised CJ § 8-427(b).

4 As the balance of this section does not relate to jurors, it was retained with
5 stylistic changes, although the reference to witnesses may be obsolete in
6 light of Ch. 192, Acts of 2005.

7 **Article 16 - Montgomery County**

8 12-3.

9 The council shall annually levy such sum of money as it may deem sufficient to
10 pay the expenses which may be incurred the then succeeding year by the attendance
11 of [jurors,] state's witnesses, criers and bailiffs of the circuit court.

12 COMMITTEE NOTE: Ch._____, Acts of 2006, which enacted revised CJ Title 8,
13 also amended this section, to delete the reference to the levy for jurors -
14 now revised CJ § 8-427(b).

15 As the balance of this section does not relate to jurors, it was retained with
16 stylistic changes, although the reference to witnesses may be obsolete in
17 light of Ch. 192, Acts of 2005.

18 12-6.

19 (A) A certificate signed by the clerk of the circuit court, and expressing the
20 number of days [any jurors,] A state's witness, crier or bailiff may have attended, and
21 the sum due him for such attendance, shall be sufficient authority to the director of
22 finance to pay the amount specified therein.

23 (B) A CERTIFICATE THAT IS SIGNED BY THE JURY COMMISSIONER AND
24 STATES THE NUMBER OF DAYS THAT EACH PROSPECTIVE, QUALIFIED, OR SWORN
25 JUROR HAS BEEN REQUIRED TO BE IN ATTENDANCE AT OR IN PROXIMITY TO THE
26 COURT, AND THE SUM DUE, FOR JURY SERVICE SHALL BE SUFFICIENT AUTHORITY
27 FOR THE DIRECTOR OF FINANCE TO PAY THE AMOUNT STATED IN THE CERTIFICATE.

28 COMMITTEE NOTE: Ch._____, Acts of 2006, amended this section to: (1)
29 renumber it as subsection (a) and delete the reference to "jurors"; and (2)
30 add subsection (b). The addition provides for a "jury commissioner",
31 instead of the "clerk of the circuit court", to issue a certificate and, for
32 consistency with revised CJ §§ 8-425 and 8-429, refers to "prospective,
33 qualified, or sworn" jurors and attendance at or "in proximity to" a court.

34 As renumbered subsection (a) of this section does not relate to jurors, no
35 further change was made, although the reference to witnesses may be
36 obsolete in light of Ch. 192, Acts of 2005.

1 12-21.

2 [Upon the organization of each grand jury the judge of the circuit court for the
3 county may and is hereby authorized and empowered to appoint a clerk who shall be
4 a competent stenographer, at a compensation to be determined from time to time by
5 the judge of the circuit court for the county making such appointment, to be paid by
6 the council. Such clerk shall have authority to take and transcribe the testimony
7 given before any grand jury in such county, and, whenever] WHENEVER required by
8 the state's attorney[, shall attend upon and] THE COURT REPORTER ORDERED TO
9 take and transcribe GRAND JURY TESTIMONY SHALL TAKE AND TRANSCRIBE the
10 testimony given at the coroner's inquest, and all of such testimony so taken and
11 transcribed shall be for the exclusive use and benefit of the grand jury and the state's
12 attorney of such county, unless otherwise ordered by the court.

13 COMMITTEE NOTE: Ch. _____, Acts of 2006, which enacted revised CJ Title 8,
14 also amended this section, to preserve the provisions relating to coroner's
15 inquests. As to the balance of former Public Local Laws, Art. 16
16 [Montgomery County], § 12-21, see revised CJ §§ 2-501(b)(2) and 2-503.

17

Article 24 - Worcester County

18 CJ 1-203.

19 (a) [In this section, "day" means the length of time in any twenty-four-hour
20 period during which a juror is required to be in attendance at or in proximity to the
21 court in which the juror has been called as a juror.

22 (b) A juror shall receive] AN INDIVIDUAL IS ENTITLED TO:

23 (1) a per diem [amount] in accordance with Public General Law [for
24 each day the juror attends court.], COURTS AND JUDICIAL PROCEEDINGS ARTICLE, §
25 8-426; AND

26 [(c) Each juror shall receive a reimbursement payment in the total amount of
27 ten dollars]

28 (2) \$10 per day for mileage.

29 [(d)] (B) The system of payment shall be in accordance with procedures as
30 from time to time adopted by resolution of the County Commissioners.

31 SECTION 16. AND BE IT FURTHER ENACTED, That nothing in this Act may
32 be construed to affect the validity, powers, duties, or acts of any grand or trial jury in
33 existence before or on the effective date of this Act or the powers or duties of any
34 member of such jury.

35 SECTION 17. AND BE IT FURTHER ENACTED, That all laws or parts of laws,
36 public general or public local, inconsistent with this Act, are repealed to the extent of
37 the inconsistency.

1 SECTION 18. AND BE IT FURTHER ENACTED, That the publisher of the
2 Annotated Code of Maryland, in consultation with and subject to the approval of the
3 Department of Legislative Services, shall correct, with no further action required by
4 the General Assembly cross references and terminology rendered incorrect by this Act
5 or by any other Act of the General Assembly of 2006 that affects provisions enacted by
6 this Act. The publisher shall adequately describe any such correction in an editor's
7 note following the section affected.

8 SECTION 19. AND BE IT FURTHER ENACTED, That the catchlines, captions,
9 and Committee Notes of the Jury Law Revision Subcommittee of the Maryland
10 Judicial Conference contained in this Act are not law and may not be considered to
11 have been enacted as part of this Act.

12 SECTION 20. AND BE IT FURTHER ENACTED, That the provisions of
13 Section(s) 8-201(c), 8-212(b) and (c), and 8-401(d) of Article - Courts and Judicial
14 Proceedings are not repealed under this Act until the effective date of the rules that
15 the Court of Appeals adopts in accordance with Section 8-105 of Article - Courts and
16 Judicial Proceedings as enacted by this Act.

17 SECTION 21. AND BE IT FURTHER ENACTED, That, subject to the
18 provisions of Section 20 of this Act, this Act shall take effect October 1, 2006.