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

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 20, 2006

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CHAPTER \_\_\_\_\_

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~~

1 designee with regard to providing lists of driver's license and identity card  
2 holders and providing notice with vehicle registration information; altering  
3 application requirements; requiring cooperation in keeping data current;  
4 requiring the Military Department to adopt certain regulations as to exemption  
5 of a member of the organized militia from State jury service; altering provisions  
6 for disclosure of jury lists to the Director of the Health Claims Arbitration  
7 Office; repealing provisions relating to jury terms; deleting a defined term;  
8 defining certain terms; repealing inconsistent and obsolete laws; ~~renumbering~~  
9 ~~certain provisions relating to admission of records~~; making certain stylistic  
10 changes; authorizing the publisher of the Annotated Code of Maryland to make  
11 certain corrections; establishing that certain catchlines, captions, and  
12 Committee Notes in this Act are not law; providing for effective dates of this Act;  
13 and generally relating to juries and jury service.

14 BY repealing

15 Article - Courts and Judicial Proceedings  
16 Section 2-501(b), 2-503; 8-101 through 8-401, inclusive, and the title "Title 8.  
17 Juries"; and 9-118(b)  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume and 2005 Supplement)

20 BY repealing

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

25 ~~BY repealing~~

26 ~~Article - Transportation~~  
27 ~~Section 12-113(a) and 13-403(b)~~  
28 ~~Annotated Code of Maryland~~  
29 ~~(2002 Replacement Volume and 2005 Supplement)~~

30 BY repealing

31 The Public Local Laws of Allegany County  
32 Section 32-6 G and H and 53-1 through 53-4, inclusive  
33 Article 1 - Public Local Laws of Maryland  
34 (1983 Edition and February 2005 Supplement, as amended)

35 BY repealing

36 The Public Local Laws of Baltimore County  
37 Section 6-2-101  
38 Article 3 - Public Local Laws of Maryland  
39 (2003 Edition and December 2005 Supplement, as amended)

1 BY repealing  
2 The Public Local Laws of Baltimore City  
3 Section 7-8 and 7-10  
4 Article 4 - Public Local Laws of Maryland  
5 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

6 BY repealing  
7 The Public Local Laws of Dorchester County  
8 Section 7-2  
9 Article 10 - Public Local Laws of Maryland  
10 (1984 Edition and January 2005 Supplement, as amended)

11 BY repealing  
12 The Public Local Laws of Frederick County  
13 Section 2-5-16  
14 Article 11 - Public Local Laws of Maryland  
15 (2004 Edition and June 2005 Supplement, as amended)

16 BY repealing  
17 The Public Local Laws of Garrett County  
18 Section 17-1, 58-1, and 58-3 through 58-7, inclusive  
19 Article 12 - Public Local Laws of Maryland  
20 (1985 Edition and October 2001 Supplement, as amended)

21 BY repealing  
22 The Public Local Laws of Howard County  
23 Section 7.303 through 7.306, inclusive  
24 Article 14 - Public Local Laws of Maryland  
25 (1995 Edition and November 2005 Supplement, as amended)

26 BY repealing  
27 The Public Local Laws of Montgomery County  
28 Section 12-22 through 12-24, inclusive  
29 Article 16 - Public Local Laws of Maryland  
30 (1997 Edition and December 2005 Supplement, as amended)

31 BY repealing  
32 The Public Local Laws of Prince George's County  
33 Section 7-101  
34 Article 17 - Public Local Laws of Maryland  
35 (2003 Edition, as amended)

36 BY repealing

1 The Public Local Laws of Wicomico County  
2 Section 13-2  
3 Article 23 - Public Local Laws of Maryland  
4 (1997 Edition and August 2005 Supplement, as amended)

5 ~~BY transferring~~  
6 ~~Article - Transportation~~  
7 ~~Section 12-113(b)~~  
8 ~~Annotated Code of Maryland~~  
9 ~~(2002 Replacement Volume and 2005 Supplement)~~  
10 ~~to be~~  
11 ~~Article - Courts and Judicial Proceedings~~  
12 ~~Section 10-106~~  
13 ~~Annotated Code of Maryland~~  
14 ~~(2002 Replacement Volume and 2005 Supplement)~~

15 BY adding to  
16 Article - Courts and Judicial Proceedings  
17 Section 1-502, 2-501(b), 2-503; 8-101 through 8-507, inclusive, to be under the  
18 new title "Title 8. Juries and Jurors"; and 9-118(b)  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2005 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Courts and Judicial Proceedings  
23 Section 3-2A-03(c)(2)  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2005 Supplement)

26 BY adding to  
27 Article - Election Law  
28 Section 3-506  
29 Annotated Code of Maryland  
30 (2003 Volume and 2005 Supplement)

31 BY adding to  
32 Article - Labor and Employment  
33 Section 3-709  
34 Annotated Code of Maryland  
35 (1999 Replacement Volume and 2005 Supplement)

36 BY adding to  
37 Article - Public Safety

1 Section 13-218  
2 Annotated Code of Maryland  
3 (2003 Volume and 2005 Supplement)

4 BY adding to  
5 Article - Transportation  
6 Section ~~12-113 and 13-403(b)~~ 12-112.1  
7 Annotated Code of Maryland  
8 (2002 Replacement Volume and 2005 Supplement)

9 ~~BY repealing and reenacting, with amendments,~~  
10 ~~Article - Transportation~~  
11 ~~Section 16-106(b)(1)~~  
12 ~~Annotated Code of Maryland~~  
13 ~~(2002 Replacement Volume and 2005 Supplement)~~

14 BY repealing and reenacting, with amendments,  
15 The Public Local Laws of Allegany County  
16 Section 32-1  
17 Article 1 - Public Local Laws of Maryland  
18 (1983 Edition and February 2005 Supplement, as amended)

19 BY repealing and reenacting, with amendments,  
20 The Public Local Laws of Baltimore City  
21 Section 7-7  
22 Article 4 - Public Local Laws of Maryland  
23 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

24 BY repealing and reenacting, with amendments,  
25 The Public Local Laws of Calvert County  
26 Section 86-4-501  
27 Article 5 - Public Local Laws of Maryland  
28 (2002 Edition and September 2004 Supplement, as amended)

29 BY repealing and reenacting, with amendments,  
30 The Public Local Laws of Charles County  
31 Section 27-7  
32 Article 9 - Public Local Laws of Maryland  
33 (1994 Edition and July 2004 Supplement, as amended)

34 BY repealing and reenacting, with amendments,  
35 The Public Local Laws of Dorchester County  
36 Section 10-21

1 Article 10 - Public Local Laws of Maryland  
2 (1984 Edition and January 2005 Supplement, as amended)

3 BY repealing and reenacting, with amendments,  
4 The Public Local Laws of Frederick County  
5 Section 2-5-1  
6 Article 11 - Public Local Laws of Maryland  
7 (2004 Edition and June 2005 Supplement, as amended)

8 BY repealing and reenacting, with amendments,  
9 The Public Local Laws of Garrett County  
10 Section 58-2  
11 Article 12 - Public Local Laws of Maryland  
12 (1985 Edition and October 2001 Supplement, as amended)

13 BY repealing and reenacting, with amendments,  
14 The Public Local Laws of Montgomery County  
15 Section 12-3, 12-6, and 12-21  
16 Article 16 - Public Local Laws of Maryland  
17 (1997 Edition and December 2005 Supplement, as amended)

18 BY repealing and reenacting, with amendments,  
19 The Public Local Laws of Worcester County  
20 Section CJ 1-203  
21 Article 24 - Public Local Laws of Maryland  
22 (1994 Edition and March 2005 Supplement, as amended)

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

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

29 ~~SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 12-113(a) and~~  
30 ~~13-403(b) of Article - Transportation of the Annotated Code of Maryland be repealed.~~

31 ~~SECTION 4-3.~~ AND BE IT FURTHER ENACTED, That Section(s) 32-6 G and  
32 H and 53-1 through 53-4, inclusive, of Article 1 - Allegany County of the Code of  
33 Public Local Laws of Maryland be repealed.

34 ~~SECTION 5-4.~~ AND BE IT FURTHER ENACTED, That Section(s) 6-2-101 of  
35 Article 3 - Baltimore County of the Code of Public Local Laws of Maryland be  
36 repealed.

1 SECTION ~~6-5~~. AND BE IT FURTHER ENACTED, That Section(s) 7-8 and  
 2 7-10 of Article 4 - Baltimore City of the Code of Public Local Laws of Maryland be  
 3 repealed.

4 SECTION ~~7-6~~. AND BE IT FURTHER ENACTED, That Section(s) 7-2 of  
 5 Article 10 - Dorchester County of the Code of Public Local Laws of Maryland be  
 6 repealed.

7 SECTION ~~8-7~~. AND BE IT FURTHER ENACTED, That Section(s) 2-5-16 of  
 8 Article 11 - Frederick County of the Code of Public Local Laws of Maryland be  
 9 repealed.

10 SECTION ~~9-8~~. AND BE IT FURTHER ENACTED, That Section(s) 17-1, 58-1,  
 11 and 58-3 through 58-7, inclusive, of Article 12 - Garrett County of the Code of Public  
 12 Local Laws of Maryland be repealed.

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

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

19 SECTION ~~12-11~~. AND BE IT FURTHER ENACTED, That Section(s) 7-101 of  
 20 Article 17 - Prince George's County of the Code of Public Local Laws of Maryland be  
 21 repealed.

22 SECTION ~~13-12~~. AND BE IT FURTHER ENACTED, That Section(s) 13-2 of  
 23 Article 23 - Wicomico County of the Code of Public Local Laws of Maryland be  
 24 repealed.

25 ~~SECTION 14. AND BE IT FURTHER ENACTED, That Section(s) 12-113(b) of~~  
 26 ~~Article Transportation of the Annotated Code of Maryland be transferred to be~~  
 27 ~~Section(s) 10-106 of Article Courts and Judicial Proceedings of the Annotated Code~~  
 28 ~~of Maryland.~~

29 SECTION ~~15-13~~. AND BE IT FURTHER ENACTED, That the Laws of  
 30 Maryland read as follows:

31 **Article - Courts and Judicial Proceedings**

32 1-502. JURISDICTION AS TO JURY OFFENSES.

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

36 COMMITTEE NOTE: Ch. \_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,  
 37 also added this section, to retain jurisdiction within the court that also has

1 inherent power, including contempt powers, with regard to the referenced  
2 offenses.

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

4 2-501.

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

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

13 (II) THE MONTGOMERY COUNTY COUNCIL SHALL PAY THE  
14 COMPENSATION OF A COURT REPORTER TAKING OR TRANSCRIBING GRAND JURY  
15 TESTIMONY IN THE COUNTY.

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

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

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

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

35 Also in subsection (b)(2)(i) of this section, reference to "the compensation  
36 under this subsection" is substituted for the former word "salary", to  
37 conform to the first sentence of former CJ § 2-503(d). That sentence, which  
38 provided for compensation set by "the judges of the court", and the  
39 reference, in the former first sentence of Public Local Laws, Art. 16  
40 [Montgomery County], § 12-21, to compensation "determined ... by the



1 judge of the circuit court for the county making such appointment", are  
2 deleted in light of revised subsection (b)(1).

3 Also in subsection (b)(2)(i) of this section, the word "county" is substituted  
4 for the former phrase "of the counties", to distinguish this administrative  
5 judge from the circuit administrative judge. See Md. Rule 16-101c and d  
6 and, as to "county", Art. 1, § 14 of the Code.

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

8 2-503. GRAND JURY REPORTER.

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

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

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

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

22 3-2A-03.

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

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

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

36 COMMITTEE NOTE: Ch. \_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,  
37 also amended this paragraph, to: (1) add the phrase "only as allowed by  
38 rule that the Court of Appeals adopts", to reflect revised CJ § 8-105; (2)

1 delete the word "panel", which formerly modified "lists"; (3) delete the  
2 reference to "a clerk of a court", as the clerk so designated is the "jury  
3 commissioner" under revised CJ § 8-205; and (4) make other stylistic  
4 changes.

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

6 TITLE 8. JURIES AND JURORS.

7 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

8 8-101. DEFINITIONS.

9 (A) IN GENERAL.

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

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

12 No changes are made.

13 (B) JURY COMMISSIONER.

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

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

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

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

24 Defined term: "Jury plan" § 8-101

25 (C) JURY PLAN.

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

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

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

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

1 (D) PROSPECTIVE JUROR.

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

5 COMMITTEE NOTE: This subsection is new and added to allow consistent  
6 reference to individuals at the stage in the selection process before  
7 qualification, formerly called "[p]ersons selected to be mailed juror  
8 qualification forms under § 8-206 of this subtitle" (former CJ § 8-202(2)(i))  
9 and "names ... to be placed initially in the master jury wheel" (former CJ §  
10 8-202(2)(ii)). The addition reflects former CJ § 8-202(2)(i), which  
11 authorized use of electronic or other devices besides a "wheel".

12 Defined term: "Source pool" § 8-101

13 (E) QUALIFIED JUROR.

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

16 COMMITTEE NOTE: This subsection is new and added to allow consistent  
17 reference to individuals at the stage in the selection process after  
18 qualification, formerly called "names drawn from the qualified jury wheel"  
19 (former CJ § 8-202(3) and (4)) and "names of all persons drawn from the  
20 master jury wheel who are determined to be qualified as jurors under §  
21 8-207 and not exempt under § 8-209 or excused under § 8-210" (former CJ  
22 § 8-208(a)(1)). The addition reflects former CJ § 8-208(a)(1), which  
23 authorized use of electronic or other devices besides a "wheel".

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

25 (F) SOURCE POOL.

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

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

31 Defined terms: "Jury plan" § 8-101

32 "Prospective juror" § 8-101

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

1 8-102. DUTY AND RIGHTS.

2 (A) DUTY AND RIGHT.

3 EACH ADULT CITIZEN OF THIS STATE HAS:

4 (1) THE OPPORTUNITY FOR JURY SERVICE; AND

5 (2) WHEN SUMMONED FOR JURY SERVICE, THE DUTY TO SERVE.

6 (B) DISCRIMINATION BARRED.

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

9 (C) RECOMMENDATIONS BARRED.

10 RECOMMENDATIONS, IF ANY, FOR JURY SERVICE MAY NOT BE ACCEPTED.

11 (D) VOLUNTEERS BARRED.

12 VOLUNTEERS FOR JURY SERVICE SHALL BE REFUSED.

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

15 Subsection (b) of this section is new language derived from former CJ §  
16 8-103.

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

19 In the introductory language of subsection (a) of this section, the word  
20 "adult" is added to modify "citizen", to reflect the substance of former CJ §  
21 8-104(a)(1) through (3) now revised CJ § 8-206(b)(1). As to "adult", see Art.  
22 1, § 24 of the Code and revised CJ § 8-103(a)(1), and, as to State  
23 citizenship, see *Moore v. Illinois*, 55 U.S. 13, 14 How. 13, 1852 WL 6776, 14  
24 L.Ed. 306 (1852).

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

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

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

1 8-103. QUALIFICATION CRITERIA.

2 (A) REQUIREMENTS.

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

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

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

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

8 (B) DISQUALIFYING FACTORS.

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

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

13 (2) CANNOT COMPREHEND WRITTEN ENGLISH, READ ENGLISH, OR  
14 WRITE ENGLISH PROFICIENTLY ENOUGH TO COMPLETE A JUROR QUALIFICATION  
15 FORM SATISFACTORILY;

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

19 (4) HAS BEEN CONVICTED, IN A FEDERAL OR STATE COURT OF RECORD,  
20 OF A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ~~1 YEAR 6 MONTHS AND~~  
21 RECEIVED A SENTENCE OF IMPRISONMENT FOR MORE THAN 6 MONTHS; OR

22 (5) HAS A CHARGE PENDING, IN A FEDERAL OR STATE COURT OF  
23 RECORD, FOR A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ~~1 YEAR 6~~  
24 MONTHS.

25 (C) CONVICTION.

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

28 ~~(1) THE INDIVIDUAL IS PARDONED; OR~~

29 ~~(2) AS OF THE DATE ON WHICH THE INDIVIDUAL COMPLETES A JUROR~~  
30 ~~QUALIFICATION FORM, THE INDIVIDUAL:~~

31 ~~(1) IS NOT INCARCERATED, ON PROBATION, OR ON PAROLE, OR~~  
32 ~~REQUIRED UNDER FEDERAL OR STATE LAW TO REGISTER AS A CHILD SEXUAL~~  
33 ~~OFFENDER, AN OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A SEXUALLY~~  
34 ~~VIOLENT PREDATOR; AND~~

1                   (H)       ~~HAS COMPLETED, AND AT LEAST 3 YEARS HAVE ELAPSED~~  
2 ~~SINCE THE INDIVIDUAL COMPLETED, THE COURT ORDERED SENTENCE FOR THE~~  
3 ~~CONVICTION, INCLUDING COMMUNITY SERVICE, FINE, PAROLE, PROBATION, AND~~  
4 ~~RESTITUTION.~~

5 COMMITTEE NOTE: Subsection (a) of this section is new language substituted  
6 for former CJ § 8-207(b)(1) and (8), which barred those "not  
7 constitutionally qualified to vote" and "under 18". The substitution is  
8 based on the statutory criteria for voter registration in current EL §  
9 3-102(a)(1) through (3) but revised to date adulthood from the date of  
10 selection as a prospective juror and to base county residence on the date of  
11 being sworn as a juror. The substitution adds the introductory disclaimer,  
12 "[n]otwithstanding § 8-102 of this subtitle", to make clear that the  
13 all-inclusive statement of public policy is curtailed by the specific criteria  
14 set forth in this section. The substitution uses, in subsection (a)(3) of this  
15 section, the phrase "in the county" instead of the former clause "where the  
16 court convenes", to accommodate an extraordinary circumstance that  
17 might require a court to sit outside its county. As to "adult" and "county",  
18 see Art. 1, §§ 24 and 14 of the Code, respectively.

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

21 Subsection (b)(4) and (5) of this section is new language substituted for  
22 former CJ § 8-207(b)(5) and (6), which excluded individuals based on a  
23 crime "punishable by a fine of more than \$500, or by imprisonment for  
24 more than six months, or both" or a charge of wilful misrepresentation to  
25 avoid jury service. The substitution uses crimes "punishable by  
26 imprisonment exceeding ~~4-year~~ 6 months" (instead of the infamous crime  
27 standard in Md. Const., Art. I § 4 as implemented by current EL § 3-102(b)  
28 and (c)), ~~to be consistent with the requirement for federal jury duty under~~  
29 ~~28 U.S.C. §§ 1865(b)(5) and 1869(h) and, thereby, to avoid a dual standard~~  
30 ~~in Maryland. However, subsection (c) of this section is new and added to~~  
31 ~~allow a disqualifying conviction to be overcome, not only by pardon (as~~  
32 ~~allowed under former CJ § 8-207(b)(5)) but by the passage of time after~~  
33 ~~completion of sentence.~~

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

41 Also in the introductory language of subsection (b) of this section, the word  
42 "individual" is substituted for the former word "person" to emphasize that  
43 only a natural being qualifies for jury service. As to "person", see Art. 1, §  
44 15 of the Code.

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

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

7 Former CJ § 8-207(b)(9), which provided for disqualification based on an  
8 "objective test" adopted by the Court of Appeals, is deleted as the Court has  
9 not adopted any test since the initial enactment of the provisions codified  
10 in former CJ Title 8. See Ch. 408, Acts of 1969.

11 Subsection (c) of this section is new language derived from former CJ §  
12 8-207(b)(5).

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

14 8-104. SELECTION POLICY.

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

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

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

25 The phrase "for a county" is substituted for the former clause "where the  
26 court convenes", to accommodate an extraordinary circumstance that  
27 might require a court to sit outside its county. As to "county", see Art. 1, §  
28 14 of the Code.

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

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

1 8-105. DISCLOSURE OF INFORMATION.

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

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

7 (B) CHALLENGES.

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

10 (C) INFORMATION FOR STATE BOARD OF ELECTIONS.

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

14 (D) INFORMATION FOR STATE MOTOR VEHICLE ADMINISTRATION.

15 THE RULES SHALL PROVIDE FOR DISCLOSURE OF INFORMATION TO THE STATE  
16 MOTOR VEHICLE ADMINISTRATION AS NEEDED TO CORRECT DATA THAT THE  
17 ADMINISTRATION PROVIDES.

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

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

31 "Qualified juror" § 8-101

32 8-106. CONSTRUCTION.

33 (A) INHERENT AUTHORITY.

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

36 (B) POSTCONVICTION RELIEF.



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

4 (C) UNIFIED QUALIFICATION AND SUMMONSING.

5 NOTHING IN THIS TITLE BARS A CIRCUIT COURT FROM USING A SINGLE  
6 PROCEDURE FOR QUALIFICATION AND SUMMONSING AS ITS JURY PLAN  
7 AUTHORIZES.

8 COMMITTEE NOTE: Subsection (a) of this section is new and added to state  
9 expressly that inherent authority is not being restricted by statement of  
10 specific instances in which an individual may be disqualified, excused, or  
11 exempted from jury service or jury service may be postponed or by specific  
12 procedures for punishment of contemptuous acts.

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

15 Subsection (c) of this section is new language derived from former CJ §  
16 8-208.1(a) and revised to require that a single procedure be authorized in  
17 a jury plan. See revised CJ § 8-214.

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

19 Former Public Local Laws, Art. 4 [Baltimore City], § 7-10, which deemed  
20 the Public Local Laws "relating to the mode of drawing and summoning  
21 jurors" to be "directory" and barred quashing an indictment or  
22 presentment, reversing or staying a judgment, or challenging an array  
23 based on noncompliance with "the provisions of law relating to the drawing  
24 of jurors in the City of Baltimore", is deleted as inconsistent with  
25 postconviction proceedings, referenced in former CJ § 8-211(e) now  
26 subsection (b) of this section and challenges, provided for in former CJ §  
27 8-211 now revised CJ §§ 8-408 and 8-409.

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

29 "Jury plan" § 8-101

30 SUBTITLE 2. JURY PLAN.

31 8-201. REQUIRED.

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

34 COMMITTEE NOTE: This section is new language derived from former CJ §  
35 8-201(a)(1).

36 Reference to a plan for "jury selection and service" is substituted for the  
37 former reference to a plan for "random selection of grand and petit jurors",

1 to reflect that the requirements extend beyond individual jurors to the  
2 entire jury and beyond selection. See, e.g., former CJ § 8-211 now  
3 generally revised CJ §§ 8-408 and 8-409.

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

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

9 Except for the provisions as to grand jury forepersons (see revised CJ §  
10 8-211), former Public Local Laws, Art. 1 [Allegheny County], §§ 53-1  
11 through 53-3 and former Public Local Laws, Art. 12 [Garrett County], §§  
12 58-3 through 58-5 and 58-7, which provided details for selection in those  
13 counties, are deleted as obsolete, the most current amendments being Ch.  
14 158, Acts of 1951, and Ch. 837, Acts of 1914, respectively.

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

16 8-202. RULES.

17 THE COURT OF APPEALS MAY ADOPT RULES TO GOVERN THE PROVISIONS AND  
18 IMPLEMENTATION OF JURY PLANS.

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

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

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

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

25 Defined term: "Jury plan" § 8-101

26 8-203. CHANGES.

27 (A) PROPOSAL OF CIRCUIT COURT.

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

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

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

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

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

3 (B) ORDER OF COURT OF APPEALS.

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

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

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

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

10 COMMITTEE NOTE: Subsections (a)(1) through (3)(i) and (b) of this section are  
11 new language derived without substantive change from former CJ §  
12 8-203(b) and (c).

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

15 In subsection (a), references to "propos[ing]" and "proposal[s]" are  
16 substituted for the former authority to "modify" and former references to  
17 "modification[s]" and "promp[t]" filing, to reflect the requirement for  
18 approval.

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

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

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

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

28 "Jury plan" § 8-101

29 8-204. REQUIRED PROVISIONS - JURY JUDGE.

30 (A) REQUIRED.

31 EACH JURY PLAN SHALL DESIGNATE A JURY JUDGE.

32 (B) CHOICES.

33 THE JURY JUDGE FOR A CIRCUIT COURT SHALL BE:

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

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

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

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

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

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

15 "Jury plan" § 8-101

16 8-205. REQUIRED PROVISIONS - JURY COMMISSIONER.

17 (A) REQUIRED.

18 EACH JURY PLAN SHALL DESIGNATE A JURY COMMISSIONER.

19 (B) CHOICES.

20 THE JURY COMMISSIONER FOR A CIRCUIT COURT SHALL BE:

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

22 (2) ANOTHER INDIVIDUAL DESIGNATED IN THE MANNER SET FORTH IN  
23 THE JURY PLAN.

24 (C) ACTING JURY COMMISSIONER.

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

28 (D) DUTIES.

29 THE JURY COMMISSIONER FOR A CIRCUIT COURT SHALL MANAGE JURY  
30 SELECTION AND SERVICE, UNDER THE CONTROL AND SUPERVISION OF THE JURY  
31 JUDGE FOR THE CIRCUIT COURT.

32 (E) COMPENSATION.

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

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

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

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

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

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

16 "Jury commissioner" § 8-101

17 "Jury plan" § 8-101

18 8-206. REQUIRED PROVISIONS - SOURCE POOL.

19 (A) REQUIRED.

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

22 (B) SOURCES.

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

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

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

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

32 (2) THE SOURCE POOL UNDER THE JURY PLAN FOR A COUNTY MAY  
33 INCLUDE ANY OTHER LIST OF RESIDENTS OF THE COUNTY THAT THE JURY PLAN  
34 AUTHORIZES.

35 (C) SELECTION.

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

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

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

12 Subsection (b) of this section is new language derived without substantive  
13 change from former CJ § 8-104(a), the second sentence of former CJ §  
14 8-202(3), the reference to lists in the first sentence of (2), and the reference  
15 to "the general election preceding the time of refilling" in the fourth  
16 sentence of (2)(ii).

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

20 In the introductory language of subsection (b)(1) of this section, the word  
21 "adults" is substituted for the former references to an individual "at least  
22 18 years old", for brevity. As to "adult", see Art. 1, § 24 of the Code.

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

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

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

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

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

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

2 "Jury plan" § 8-101

3 "Prospective juror" § 8-101

4 "Source pool" § 8-101

5 8-207. REQUIRED PROVISIONS - PROSPECTIVE AND QUALIFIED JUROR POOLS.

6 (A) REQUIRED.

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

9 (B) MINIMUM NUMBER OF PROSPECTIVE JURORS.

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

12 (2) THE MINIMUM NUMBER SHALL BE:

13 (I) AT LEAST 150; AND

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

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

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

22 COMMITTEE NOTE: Subsection (a) of this section is new language derived  
23 from the introductory language of former CJ § 8-202 and the fourth  
24 sentence of (2)(ii) and revised to apply to creation of a "qualified" jury pool,  
25 as well as a "prospective juror pool" (formerly referred to as a "master jury  
26 wheel"). The revision, and the substitution in subsections (b)(1), (2)(ii), and  
27 (4) of this section of references to selecting names from the "source pool" for  
28 the former references to placing names "initially in the master jury wheel"  
29 and "master wheel", conform to former CJ § 8-202(2)(i), which provided for  
30 use of electronic or other devices besides a wheel.

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

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

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

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

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

3 "Jury plan" § 8-101

4 "Prospective juror" § 8-101

5 "Qualified juror" § 8-101

6 "Source pool" § 8-101

7 8-208. REQUIRED PROVISIONS - SERVICE.

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

10 COMMITTEE NOTE: This section is new and added to reflect the addition of  
11 revised CJ § 8-401(a)(2) substituted for the second sentence of former CJ §  
12 8-208(b), which required service "personally, by certified mail, return  
13 receipt requested, bearing a postmark from the United States Postal  
14 Service, or by first-class mail", to accommodate alternative forms of  
15 delivery.

16 Defined term: "Jury plan" § 8-101

17 8-209. REQUIRED PROVISIONS - ALLOCATION OF QUALIFIED JURORS.

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

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

22 Reference to "qualified jurors" is substituted for the former reference to the  
23 names from the qualified jury "wheel", to conform to former CJ §  
24 8-208(a)(1), which provided for use of electronic or other devices besides a  
25 "wheel".

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

29 Defined terms: "Jury plan" § 8-101

30 "Qualified juror" § 8-101

31 8-210. REQUIRED PROVISIONS - CHANGES FOR JURY JUDGE'S ATTENTION.

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

35 COMMITTEE NOTE: This section is new and added to reflect the second  
36 sentence of former CJ § 8-206(c) now revised CJ § 8-314(b) which imposed



1 a duty on a jury commissioner.

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

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

4 "Jury plan" § 8-101

5 "Prospective juror" § 8-101

6 "Qualified juror" § 8-101

7 8-211. REQUIRED PROVISIONS - GRAND JURY FOREPERSONS.

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

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

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

17 Defined term: "Jury plan" § 8-101

18 8-212. AUTHORIZED PROVISIONS - JUROR QUALIFICATION FORMS.

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

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

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

27 Defined term: "Jury plan" § 8-101

28 8-213. AUTHORIZED PROVISIONS - AGREEMENTS.

29 THE JURY PLAN OF A CIRCUIT COURT MAY PROVIDE FOR AN AGREEMENT  
30 BETWEEN THE CIRCUIT COURT AND THE ADMINISTRATIVE OFFICE OF THE COURTS  
31 OR A PERSON, FOR THE ADMINISTRATIVE OFFICE OR PERSON TO:

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

34 (2) HAVE JUROR QUESTIONNAIRE FORMS SENT AS THE JURY PLAN  
35 REQUIRES;

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

2 (4) PROVIDE ANY OTHER SERVICE AS TO JURY SELECTION AND  
3 SERVICE.

4 COMMITTEE NOTE: This section is new language derived from former CJ §  
5 8-201(b)(1) and (2).

6 In the introductory language of this section, references to a "person" are  
7 added to reflect that some circuit courts have entered into agreements  
8 with, e.g., private companies. Accordingly, in item (4) of this section, the  
9 former phrase "agreeable to both the circuit court and the Administrative  
10 Office" surplusage in light of "agreement" is deleted. As to "person", see  
11 Art. 1 § 15 of the Code.

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

15 Also in item (1) of this section, the word "randomly", which formerly  
16 modified "selected", and the former phrase "from the sources specified in  
17 this title", are deleted as unnecessary in light of former CJ §§ 8-102(a) and  
18 8-104(a) now revised CJ §§ 8-104 and 8-206(a).

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

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

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

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

26 "Jury plan" § 8-101

27 8-214. AUTHORIZED PROVISIONS - UNIFIED QUALIFICATION AND SUMMONSING.

28 A JURY PLAN MAY SET A SINGLE PROCEDURE FOR QUALIFICATION AND  
29 SUMMONSING FOR JURY SERVICE.

30 COMMITTEE NOTE: This section is new and added to reflect former CJ §  
31 8-209.1(a), which is revised in CJ § 8-106(c) to require a single procedure  
32 be authorized in a jury plan.

33 Defined term: "Jury plan" § 8-101

1 8-215. AUTHORIZED PROVISIONS - DISQUALIFICATION, EXCUSAL, AND EXEMPTION  
2 OF PROSPECTIVE OR QUALIFIED JURORS AND POSTPONEMENT OF SERVICE.

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

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

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

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

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

14 COMMITTEE NOTE: This section is new language substituted for former CJ §  
15 8-107(a) and (b), which enabled a "court" as then defined, a circuit court to  
16 excuse jurors, and the second sentence of former CJ § 8-207(a), which  
17 empowered only a jury judge to disqualify, excuse, or exempt jurors, to  
18 reflect current practice whereby jury judges have delegated the power to  
19 jury commissioners to disqualify, excuse, or exempt individuals not yet  
20 sworn as jurors, or postpone their service, for certain reasons allowed by  
21 law. The substitution will require that the power be stated expressly in a  
22 jury plan and, thereby, be subject to prior approval of the Court of Appeals.  
23 See also Md. Rule 16-106a and the administrative order of the Chief Judge  
24 of the Court of Appeals dated November 21, 2001, as to closing of  
25 courthouses in emergencies.

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

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

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

29 "Jury plan" § 8-101

30 "Prospective juror" § 8-101

31 "Qualified juror" § 8-101

32 8-216. AUTHORIZED PROVISIONS - FREQUENCY OF SERVICE.

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

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

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

4 Defined term: "Jury plan" § 8-101

5 8-217. AUTHORIZED PROVISIONS - DONATION PROGRAMS.

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

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

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

12 Defined terms: "Jury plan" § 8-101

13 "Prospective juror" § 8-101

14 "Qualified juror" § 8-101

15 SUBTITLE 3. PROSPECTIVE AND QUALIFIED JURORS.

16 PART I. PROSPECTIVE JURORS.

17 8-301. PROSPECTIVE JUROR POOL.

18 (A) SELECTION.

19 AT EACH INTERVAL SET IN A JURY PLAN FOR A COUNTY, ITS JURY  
20 COMMISSIONER SHALL HAVE NAMES SELECTED FROM THE SOURCE POOL IN THE  
21 NUMBER THAT THE JURY COMMISSIONER DECIDES WILL SATISFY THE NEEDS FOR  
22 JURY SERVICE FOR THE INTERVAL.

23 (B) POOL.

24 NAMES SELECTED UNDER THIS SECTION CONSTITUTE A PROSPECTIVE JUROR  
25 POOL.

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

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

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

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

7 Also in subsection (a) of this section, the former phrase "at random" is  
8 deleted as unnecessary in light of former CJ § 8-102(a) now revised CJ §  
9 8-104.

10 Also in subsection (a) of this section, the former reference to selection by "a  
11 judge of the court" is deleted for consistency with former CJ § 8-301(a)  
12 through (d) now revised CJ § 8-310(a)(2) which imposed the duty on the  
13 jury commissioner.

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

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

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

19 "Jury plan" § 8-101

20 "Prospective juror" § 8-101

21 "Source pool" § 8-101

22 8-302. INITIAL QUESTIONS.

23 (A) BASIC FORM.

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

27 JUROR QUALIFICATION FORM

28 NAME:

29 RESIDENT ADDRESS:

30 AGE: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

31 IF YOU ARE OVER 70 YEARS OF AGE, DO YOU WISH TO BE EXEMPTED FROM JURY  
32 SERVICES? \_\_\_\_\_YES \_\_\_\_\_NO

33 U.S. CITIZEN? \_\_\_\_\_YES \_\_\_\_\_NO

34 ABLE TO COMPREHEND, READ, SPEAK, AND WRITE  
35 ENGLISH? \_\_\_\_\_YES \_\_\_\_\_NO

1 EDUCATION: \_\_\_\_\_

2 OCCUPATION OF PROSPECTIVE JUROR: \_\_\_\_\_

3 OCCUPATION OF SPOUSE, IF ANY: \_\_\_\_\_

4 DISABILITY PREVENTING SATISFACTORY JURY SERVICE? \_\_\_\_ YES \_\_\_\_ NO

5 PENDING CHARGE FOR A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ~~1 YEAR~~

6 6 MONTHS? \_\_\_\_ YES \_\_\_\_ NO

7 CONVICTION OF CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ~~1 YEAR~~ 6

8 MONTHS AND RECEIVED A SENTENCE OF IMPRISONMENT FOR MORE THAN 6

9 MONTHS AND NOT LEGALLY PARDONED? \_\_\_\_ YES \_\_\_\_ NO

10 DATE OF CONVICTION \_\_\_\_\_

11 ARE YOU CURRENTLY: \_\_\_\_ INCARCERATED \_\_\_\_ REQUIRED TO REGISTER

12 ~~AS CHILD SEXUAL~~

13 ~~ON PAROLE OFFENDER, OFFENDER,~~

14 ~~SEXUALLY VIOLENT~~

15 ~~ON PROBATION OFFENDER OR SEXUALLY~~

16 ~~VIOLENT PREDATOR~~

17 \_\_\_\_ ELECTED OFFICIAL OF THE FEDERAL LEGISLATIVE BRANCH, AS DEFINED IN 2

18 U.S.C. § 30A.

19 \_\_\_\_ ACTIVE DUTY MEMBER OF ARMED FORCES EXEMPTED IN ACCORDANCE WITH

20 10 U.S.C. § 982.

21 \_\_\_\_ MEMBER OF MARYLAND'S ORGANIZED MILITIA EXEMPTED IN ACCORDANCE

22 WITH PUBLIC SAFETY ARTICLE § 13-218.

23 PRIOR JURY SERVICE WITHIN 3 PRECEDING YEARS: \_\_\_\_\_

24 FORM COMPLETED BY ME \_\_\_\_ ANOTHER (NAME) \_\_\_\_\_ AND,

25 IF ANOTHER, WHY?

26 UNDER THE PENALTIES OF PERJURY, THE RESPONSES ARE TRUE TO THE BEST OF MY

27 KNOWLEDGE

28 SIGNED: \_\_\_\_\_

29 PROSPECTIVE JUROR

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

1 (B) ADDITIONS TO FORM.

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

4 COMMITTEE NOTE: This section is new language substituted for former CJ §  
5 8-202(5)(i)1A, C, and E, 2, 3, and 4 and the first sentence of (ii), §  
6 8-206(a)(2) and the reference to instructions in (1), and the former  
7 references to space in § 8-210(f) and the third sentence of § 8-207(a), to  
8 consolidate the various provisions as to a juror qualification form and to  
9 incorporate by reference the qualifications under former CJ § 8-207(b) see  
10 revised CJ § 8-103 to ensure comity between the statutory criteria and  
11 requirements as to the form. The substitution also avoids the circuitry of  
12 setting forth the form and then requiring it to be set forth in the jury plan.

13 The substitution uses, in subsection (a) of this section, the newly defined  
14 term "prospective juror" instead of the former reference to a "potential"  
15 juror, for consistency.

16 The substitution adds "resident" to modify "address".

17 The substitution adds space for entry of a date of birth and a check-off for  
18 exemption based on age, to facilitate implementation of revised CJ §  
19 8-103(a)(1) and former CJ § 8-209(a)(2) now revised CJ § 8-306(1), which  
20 date adulthood from the date of selection as a prospective juror and allow  
21 exemption for an individual over 70 years.

22 The substitution adds the question as to citizenship for consistency with  
23 provisions such as former CJ §§ 8-102(b) and 8-207(b)(1) now revised CJ  
24 §§ 8-102(a) and 8-103(a)(2).

25 The substitution also uses "disability" instead of the former reference to  
26 "physical or mental infirmity impairing ... capacity", as more consistent  
27 with the federal Americans with Disabilities Act.

28 The substitution also uses references to crimes "punishable by  
29 imprisonment exceeding ~~4-year~~ 6 months" instead of the former references  
30 to a "criminal offense other than a minor traffic offense (i.e., one  
31 punishable by a fine of \$500 or less or imprisonment for six months or  
32 less)", to be consistent with ~~the requirement for federal jury duty under 28~~  
33 ~~U.S.C. §§ 1865(b)(5) and 1869 and, thereby, to avoid a dual standard in~~  
34 ~~Maryland in initial screening but adds a reference to the date of conviction~~  
35 ~~and current status to reflect the addition of revised CJ § 8-103(c).~~

36 The substitution expands the duty to provide documentation to include  
37 exemptions based on military service and pardons, as well as disabilities.

38 Former CJ § 8-202(5)(i)1B and (iii), which provided for questions as to  
39 national origin, race, and religion, is deleted as unnecessary.

1 Former CJ § 8-202(5)(i)1D, which provided for a question as to residency  
2 length, is deleted as nothing in former CJ Title 8 or this revised title or  
3 current EL § 3-102(a) limits service to county residents of a particular  
4 duration.

5 The second sentence of former CJ § 8-202(5)(ii), which obviated the need  
6 for notarization, is deleted as unnecessary in light of the declaration  
7 appearing on the form.

8 As to additional questions, see revised CJ § 8-212.

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

11 Defined terms: "Jury plan" § 8-101

12 "Prospective juror" § 8-101

13 8-303. ALTERATION OF FORM.

14 WHENEVER IT SEEMS TO A JURY COMMISSIONER THAT THERE IS AN  
15 AMBIGUITY, ERROR, OR OMISSION IN A PERSON'S JUROR QUALIFICATION FORM, THE  
16 JURY COMMISSIONER SHALL RETURN THE FORM TO THE PERSON, WITH  
17 INSTRUCTIONS TO MAKE EACH NEEDED ADDITION AND OTHER CHANGE,  
18 ACKNOWLEDGE ALL OF THE CHANGES, AND RETURN THE FORM TO THE JURY  
19 COMMISSIONER WITHIN 10 DAYS AFTER RECEIPT.

20 COMMITTEE NOTE: This section is new language derived from former CJ §  
21 8-206(a)(3) and revised to clarify that the decision that a form "seems"  
22 incomplete is a jury commissioner's.

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

28 A requirement for acknowledgment is added to allow enforcement should a  
29 change be false.

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

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

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

34 8-304. INTERVIEW.

35 (A) SUMMONS.



1       WHENEVER A PERSON FAILS TO RETURN A COMPLETED JUROR QUALIFICATION  
2 FORM AS INSTRUCTED, A JURY COMMISSIONER MAY SUMMONS THE PERSON TO  
3 APPEAR BEFORE THE JURY COMMISSIONER OR JURY JUDGE.

4       (B)       CONDUCT.

5       WHENEVER A PERSON APPEARS UNDER THIS SECTION, A JURY COMMISSIONER  
6 OR JURY JUDGE:

7               (1)       MAY REQUIRE THE PERSON TO COMPLETE, SIGN, AND  
8 ACKNOWLEDGE A JUROR QUALIFICATION FORM IN THE PRESENCE OF THE JURY  
9 COMMISSIONER; AND

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

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

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

20       In subsections (a) and (b) of this section, the word "person" is retained to  
21 reflect that, notwithstanding that only a natural being may be a juror, a  
22 form may be sent inadvertently to another type of person, who should  
23 inform the jury commissioner rather than ignoring the form. As to "person",  
24 see Art. 1 § 15 of the Code.

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

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

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

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

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

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

2 8-305. ADDITIONAL QUESTIONING.

3 WHENEVER A PERSON APPEARS FOR JURY SERVICE, A JURY COMMISSIONER OR  
4 JURY JUDGE:

5 (1) MAY REQUIRE THE PERSON TO COMPLETE, SIGN, AND  
6 ACKNOWLEDGE A JUROR QUALIFICATION FORM IN THE PRESENCE OF THE JURY  
7 COMMISSIONER; AND

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

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

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

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

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

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

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

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

30 8-306. BASES FOR EXEMPTIONS.

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

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

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

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

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

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

7 Item (2) of this section is new and added to reflect the referenced 2 U.S.C.  
8 § 30a, which bars requiring jury service "whether such service is requested  
9 by judicial summons or by some other means of compulsion".

10 Item (3) of this section is new and added to reflect the referenced 10 U.S.C.  
11 § 982, which enables a Secretary to exempt active duty members of the  
12 armed forces. Implementing regulations appear in 32 C.F.R. Parts 144 and  
13 516, pursuant to DoD Directive 5525.8.

14 Item (4) of this section is new language substituted for former CJ §  
15 8-209(a)(1), which provided for exemption on certification of membership  
16 alone. The referenced PS § 13-218 is added to narrow the exemption for  
17 militia members, to be more consistent with the exemption for active  
18 armed force members.

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

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

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

25 8-307. RESERVED.

26 8-308. RESERVED.

27 PART II. QUALIFIED JURORS.

28 8-309. QUALIFIED JUROR.

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

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

34 The word "individual" is substituted for the former word "persons", to  
35 reflect that only a natural being qualifies for jury service. As to "person",

1 see Art. 1, § 15 of the Code.

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

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

7 8-310. QUALIFIED JUROR POOL.

8 (A) SELECTION.

9 (1) AT EACH INTERVAL SET IN A JURY PLAN FOR A COUNTY, ITS JURY  
10 COMMISSIONER SHALL HAVE NAMES OF QUALIFIED JURORS SELECTED IN THE  
11 NUMBER THAT THE JURY COMMISSIONER DECIDES WILL SATISFY THE NEEDS FOR  
12 JURY SERVICE DURING THE INTERVAL.

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

17 (B) POOL.

18 NAMES SELECTED UNDER THIS SECTION CONSTITUTE A QUALIFIED JUROR  
19 POOL.

20 (C) ALLOCATION BETWEEN GRAND AND TRIAL JURIES.

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

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

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

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

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

36 Subsection (c)(1) of this section is new language substituted for former CJ

- 1 § 8-208(a)(2) and (3), as to assignment to a grand or trial jury, in light of  
2 former CJ § 8-202(4) now revised CJ § 8-209.
- 3 Subsection (c)(2) of this section is new language derived without  
4 substantive change from former CJ § 8-209(b)(1).
- 5 In subsection (a)(1) of this section, reference to "each interval set in a jury  
6 plan" is substituted for the former requirement "[w]hen necessary", for  
7 consistency with former CJ § 8-202(2)(ii) now revised CJ § 8-207(a).
- 8 Also in subsection (a)(1) of this section, reference to having names "of  
9 qualified jurors selected" is substituted for the former duty to "publicly  
10 draw" from the "qualified jury wheel", in light of the use of computers.
- 11 Also in subsection (a)(1) of this section, the former phrase "at random" is  
12 deleted as unnecessary in light of former CJ § 8-102(a) now revised CJ §  
13 8-104.
- 14 Also in subsection (a)(1) of this section, the former references to a "clerk"  
15 are deleted, and in subsection (a)(2) of this section, the newly defined term  
16 "jury commissioner" is substituted for the former, incomplete reference to  
17 the "clerk of the court", to conform to former CJ § 8-202(1) now revised CJ  
18 § 8-205 which imposed duties in connection with jury selection on a jury  
19 commissioner or clerk acting as such.
- 20 The introductory phrase of subsection (a)(2) of this section, "[s]ubject to §  
21 8-421 of this title", is added to reflect that, under the referenced provision,  
22 a trial judge may dispense with minimum arrays with the consent of the  
23 parties.
- 24 In subsection (a)(2) of this section, the word "otherwise" is added to  
25 emphasize alternatives rather than choices.
- 26 In subsection (c)(2) of this section, reference to a "jury plan" is substituted  
27 for the former exception, "except as provided in subsection (c) of this  
28 section", to reflect recodification of former CJ § 8-209(c) now revised CJ §  
29 8-216 with other provisions as to plans.
- 30 Also in subsection (c)(2), reference to a "trial" juror is substituted for the  
31 former reference to a "juror ... on a petit jury", in accordance with the  
32 council on jury use and management's preference for language more  
33 understandable to the public.
- 34 Former Public Local Laws, Art. 1 [Allegany County], § 53-4, which set a  
35 4-year limit for a "juror", and former Public Local Laws, Art. 12 [Garrett  
36 County], § 58-6, which set a 2-year limit for "a grand or petit juror", are  
37 deleted.
- 38 As to "county", see Art. 1, § 14 of the Code.

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

2 "Jury plan" § 8-101

3 "Qualified juror" § 8-101

4 8-311. SUPPLEMENTAL QUESTIONNAIRE.

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

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

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

13 "Qualified juror" § 8-101

14 8-312. RESERVED.

15 8-313. RESERVED.

16 PART III. RECORDS.

17 8-314. RECORDS.

18 (A) DOCUMENTATION.

19 A JURY COMMISSIONER SHALL DOCUMENT EACH ADDITION OR OTHER CHANGE  
20 TO INFORMATION PROVIDED UNDER THIS SUBTITLE AND EACH DECISION WITH  
21 REGARD TO DISQUALIFICATION, EXEMPTION, OR EXCUSAL FROM, OR  
22 POSTPONEMENT OF, JURY SERVICE.

23 (B) TRANSMITTAL.

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

26 (C) RETENTION.

27 THE JURY COMMISSIONER OF A COUNTY SHALL KEEP EACH RECORD THAT THE  
28 JURY COMMISSIONER HAS USED IN CONNECTION WITH THE JURY SERVICE IN  
29 ACCORDANCE WITH THE RECORDS RETENTION AND DISPOSAL SCHEDULE OF THE  
30 COUNTY.

31 COMMITTEE NOTE: Subsections (a) and (b) of this section are new language  
32 derived from the second sentence of former CJ § 8-206(c) and, except for  
33 the references to "space", § 8-210(f) and the third and fourth sentences of  
34 § 8-207(a).

1 Subsection (c) of this section is new language substituted for former CJ §  
2 8-212(a), which set minimum periods for retention, in order to allow  
3 keeping of records in accordance with the general retention schedule and  
4 to encompass aspects of jury service in addition to selection. As to  
5 schedules, see, e.g., Md. Rule 16-818 and General Retention Schedule No.  
6 2330 (effective October 25, 2005).

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

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

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

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

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

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

20 "Jury plan" § 8-101

21 SUBTITLE 4. JURIES.

22 PART I. IN GENERAL.

23 8-401. SUMMONS.

24 (A) ISSUANCE AND SERVICE.

25 WHENEVER A GRAND OR TRIAL JURY IS NEEDED, A JURY COMMISSIONER  
26 SHALL:

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

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

29 (B) ADDRESS.

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

32 (C) INSTRUCTION WITH JUROR QUALIFICATION FORM.

1 A SUMMONS SENT TO AN INDIVIDUAL WITH A JUROR QUALIFICATION FORM  
2 SHALL INSTRUCT THE INDIVIDUAL TO REPORT FOR JURY SERVICE UNLESS A JURY  
3 COMMISSIONER INSTRUCTS OTHERWISE.

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

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

12 Subsection (c) of this section is new language derived from former CJ §  
13 8-208.1(b) and revised to clarify that the instruction is to be included on a  
14 summons.

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

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

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

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

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

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

33 "Jury plan" § 8-101

34 "Qualified juror" § 8-101

35 8-402. DISQUALIFICATION, EXCUSAL, OR EXEMPTION FROM OR POSTPONEMENT OF  
36 DUTY.

37 (A) AUTHORIZED.



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

5 (B) DISQUALIFICATION.

6 AN INDIVIDUAL MAY BE DISQUALIFIED ONLY ON THE BASIS OF INFORMATION  
7 PROVIDED ON A JUROR QUESTIONNAIRE OR DURING AN INTERVIEW OR OTHER  
8 COMPETENT EVIDENCE.

9 (C) EXCUSAL.

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

14 (2) AN INDIVIDUAL MAY BE EXCUSED:

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

17 (II) NOT MORE THAN TWICE UNLESS THE JURY JUDGE FINDS THAT  
18 THE INDIVIDUAL HAS SHOWN AN EXTRAORDINARY CIRCUMSTANCE THAT REQUIRES  
19 AN ADDITIONAL EXCUSE.

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

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

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

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

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

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

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

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

3 "Jury plan" § 8-101

4 8-403. MULTIPLE SERVICE.

5 AN INDIVIDUAL MAY NOT BE REQUIRED TO SERVE SIMULTANEOUSLY:

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

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

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

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

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

17 8-404. DISQUALIFICATION BY TRIAL JUDGE.

18 (A) PARTY TO CIVIL SUIT.

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

22 (B) FROM PARTICULAR JURY.

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

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

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

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

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

- 1                                   A.       THE INDIVIDUAL MAY BE UNABLE TO RENDER IMPARTIAL  
2 JURY SERVICE;
- 3                                   B.       THE INDIVIDUAL'S SERVICE LIKELY WOULD DISRUPT THE  
4 PROCEEDING; OR
- 5                                   C.       THE INDIVIDUAL'S SERVICE MAY THREATEN THE  
6 SECRECY OF A PROCEEDING OR OTHERWISE AFFECT THE INTEGRITY OF THE JURY  
7 DELIBERATIONS ADVERSELY.

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

11                               (I)       EACH REASON FOR THE STRIKE; AND

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

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

16                   (C)       CAPITAL CASE.

17                   (1)       A TRIAL JUDGE MAY STRIKE AN INDIVIDUAL ON THE BASIS OF THE  
18 INDIVIDUAL'S BELIEF FOR OR AGAINST CAPITAL PUNISHMENT ONLY IF THE JUDGE  
19 FINDS THAT THE BELIEF WOULD PREVENT OR SUBSTANTIALLY IMPAIR THE  
20 INDIVIDUAL FROM RETURNING AN IMPARTIAL VERDICT ACCORDING TO LAW.

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

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

26 Subsection (b) of this section is new language derived from former CJ §  
27 8-210(b) and (e), as the latter related to excusals under former CJ §  
28 8-210(b).

29 Subsection (c) of this section is new language derived from former CJ §  
30 8-210(c) and (e), as the latter related to excusal under former CJ §  
31 8-201(c), and revised to cover belief in, as well as against, capital  
32 punishment. See Witherspoon v. Illinois, 391 U.S. 510 (1968), and  
33 Wainwright v. Witt, 469 U.S. 412 (1985). Accordingly, the former reference  
34 to "a juror of the State" is deleted.

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

1 In subsections (a), (b)(2) through (4), and (c)(1) of this section, references to  
2 a "trial" judge and to "strik[ing]" an individual are substituted for the  
3 former reference to the individual being "excused" or "disqualified,  
4 excused, or excluded" by "the court" then defined as a "circuit court" to  
5 distinguish actions of a bench, jury commissioner, or jury judge.

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

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

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

#### 15 8-405. TEMPORARY EXCUSAL OF SWORN JURORS.

16 A TRIAL JUDGE MAY:

17 (1) EXCUSE A SWORN JUROR TEMPORARILY; AND

18 (2) ORDER THE SWORN JUROR TO RETURN:

19 (I) ON A SPECIFIC DAY; OR

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

22 COMMITTEE NOTE: This section is new language substituted for former CJ §  
23 8-107(a) and (b), which provided for a "court" as then defined, a circuit  
24 court to excuse jurors. Together with revised CJ § 8-215, the former  
25 provisions are revised to apply to prospective, qualified, and sworn jurors,  
26 but in the case of sworn jurors, the power is limited to a trial judge.

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

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

1 8-406. RESERVED.

2 8-407. RESERVED.

3 PART II. CHALLENGES.

4 8-408. IN CIVIL CASE.

5 (A) EXCLUSIVE PROCEDURE.

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

9 (B) MOTION.

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

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

17 (C) ACCESS TO RECORD.

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

21 (D) EVIDENCE.

22 A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS  
23 ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION,  
24 INCLUDING:

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

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

28 (E) DUTY OF TRIAL JUDGE.

29 (1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH  
30 § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY  
31 THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

32 (2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH  
33 A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY AND  
34 THE FAILURE IS LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE TRIAL JUDGE

1 SHALL STAY THE PROCEEDING PENDING SELECTION OF A TRIAL JURY IN  
2 COMPLIANCE WITH THIS TITLE.

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

6 In subsection (a) of this section, reference to noncompliance with  
7 requirements for summoning a jury are added to conform to Md. Rule  
8 2-512(a) but the word "otherwise" is added to modify "selected", to clarify  
9 that summoning is part of the overall selection process.

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

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

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

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

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

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

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

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

31 8-409. IN CRIMINAL CASE.

32 (A) EXCLUSIVE PROCEDURE.

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

36 (B) MOTION.

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

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

9       (C)     ACCESS TO RECORD.

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

13     (D)     EVIDENCE.

14     A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS  
15 ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION,  
16 INCLUDING:

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

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

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

21           (1)     IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH  
22 § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY, THE JUDGE SHALL:

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

25                   (II)    DISMISS THE CHARGING DOCUMENT.

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

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

32                   (II)    DISMISS THE CHARGING DOCUMENT.

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

1 (1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH  
2 § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY  
3 THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

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

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

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

16 In subsection (a) of this section, reference to noncompliance with  
17 requirements for summoning a jury are added to conform to Md. Rule  
18 4-312(a) but the word "otherwise" is added to modify "selected", to clarify  
19 that summoning is part of the overall selection process.

20 In subsections (b)(1) and (e)(1)(ii) and (2)(ii) of this section, the term  
21 "charging document" is substituted for the former, more limited term  
22 "indictment", as an information can be used in a circuit court case.

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

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

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

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

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

38 In subsections (e) and (f) of this section, references to a "trial judge" are  
39 substituted for the former references to a "court" as then defined, a circuit



1 court to avoid the inference that a majority of the judges of a circuit court  
2 must concur.

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

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

5 8-410. RESERVED.

6 8-411. RESERVED.

7 PART III. GRAND JURY.

8 8-412. NUMBER OF JURORS.

9 (A) NUMBER WHEN SWORN.

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

12 (B) EFFECT OF NONCOMPLETION OF SERVICE.

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

15 COMMITTEE NOTE: Subsection (a) of this section is new language derived  
16 from the references to 23 grand jurors and filling of vacancies in Public  
17 Local Laws, Art. 1 [Allegany County], § 53-3 and Public Local Laws, Art.  
18 12 [Garrett County], § 58-4A and revised to apply statewide and to  
19 provide for rules to govern alternate grand jurors.

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

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

25 8-413. ADDITIONAL GRAND JURIES.

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

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

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

1 The word "county" is substituted for the former phrase "of the circuit court  
2 of a county", to distinguish this administrative judge from the circuit  
3 administrative judge. See Md. Rule 16-101c and d and, as to "county", Art.  
4 1, § 14 of the Code.

5 Defined term: "Jury plan" § 8-101

6 8-414. ATTENDEES.

7 (A) COURT REPORTER.

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

11 (B) INTERPRETER.

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

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

15 (1) THIS SUBSECTION APPLIES ONLY TO A GRAND JURY FOR BALTIMORE  
16 CITY.

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

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

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

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

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

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

33 In subsection (a) of this section, reference to a reporter "order[ed]" to take  
34 testimony is substituted for the former references to being "appointed  
35 under this section" and "duly appointed and qualified as herein provided",  
36 to conform to revised CJ § 2-503, which contemplates the designation of a

1 grand jury reporter from among court reporters regularly employed by or  
2 under contract with a circuit court, instead of appointment by a jury judge.  
3 As to a jury judge, see revised CJ § 8-204.

4 The first clause of the former Public Local Laws, Art. 1 [Allegany City], §  
5 32-6G, which allowed a reporter to attend "upon and at the special request  
6 of the circuit court for Allegany and Garrett counties", the former third  
7 sentence of Public Local Laws, Art. 4 [Baltimore City], § 7-7, which  
8 allowed a reporter to attend but "not ... when the grand jury votes on any  
9 presentment or indictment", and former Public Local Laws, Art. 14  
10 [Howard County], § 7.303, as it allowed a reporter to attend "[a]t every  
11 session ... and whenever requested by the grand jury, or the State's  
12 Attorney", are deleted.

13 8-415. OATHS.

14 (A) GRAND JUROR.

15 EACH GRAND JUROR SHALL TAKE AN OATH IN SUBSTANTIALLY THE  
16 FOLLOWING FORM:

17 "I (SWEAR/AFFIRM) TO ACT DILIGENTLY AND ACCORDING TO MY BEST  
18 UNDERSTANDING WITH REGARD TO ALL MATTERS BEFORE THE GRAND  
19 JURY; EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR AS EXPRESSLY  
20 AUTHORIZED BY LAW, NOT TO DISCLOSE WILLFULLY ANY EVIDENCE  
21 GIVEN BEFORE THE GRAND JURY, ANYTHING THAT I OR ANOTHER GRAND  
22 JUROR SAYS, OR MY OR ANY OTHER GRAND JUROR'S VOTE AS TO A  
23 MATTER BEFORE THE GRAND JURY; AND NOT TO ACT OR REFUSE TO ACT  
24 ON ANY MATTER BEFORE THE GRAND JURY DUE TO AFFECTION, MALICE,  
25 OR OTHER EMOTION OR DUE TO REWARD OR HOPE OR PROMISE OF  
26 REWARD."

27 (B) BAILIFF.

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

30 "I (SWEAR/AFFIRM) TO CARRY OUT MY DUTIES AS BAILIFF TO THE GRAND  
31 JURY TO THE BEST OF MY ABILITY AND KNOWLEDGE; TO DELIVER  
32 IMMEDIATELY AND WITHOUT ALTERATION ALL PAPERS AND OTHER  
33 THINGS THAT THE GRAND JURY SENDS TO THIS COURT; AND NOT TO  
34 DISCLOSE WILLFULLY ANY EVIDENCE GIVEN BEFORE THE GRAND JURY,  
35 ANYTHING THAT A GRAND JUROR SAYS, OR ANY GRAND JUROR'S VOTE AS  
36 TO A MATTER BEFORE THE GRAND JURY, EXCEPT AS LAWFULLY ORDERED  
37 BY THIS COURT OR AS EXPRESSLY AUTHORIZED BY LAW."

38 (C) CLERK.

39 EACH GRAND JURY CLERK SHALL TAKE A WRITTEN OATH IN SUBSTANTIALLY  
40 THE FOLLOWING FORM:

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

6 (D) COURT REPORTER.

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

9 "I (SWEAR/AFFIRM) NOT TO DISCLOSE WILLFULLY ANY EVIDENCE GIVEN  
 10 BEFORE THE GRAND JURY, ANYTHING THAT A GRAND JUROR SAYS, OR  
 11 ANY GRAND JUROR'S VOTE AS TO A MATTER BEFORE THE GRAND JURY,  
 12 EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR AS EXPRESSLY  
 13 AUTHORIZED BY LAW; AND NOT ALLOW ANY GOVERNMENTAL UNIT  
 14 OTHER THAN (THE STATE'S ATTORNEY/OTHER PROSECUTOR) OR PERSON  
 15 TO SEE OR HAVE A COPY OF ALL OR ANY PART OF THE TRANSCRIPT  
 16 EXCEPT ON A WRITTEN ORDER OF THIS COURT PASSED AFTER HEARING  
 17 THE (STATE'S ATTORNEY/OTHER PROSECUTOR)."

18 (E) INTERPRETER.

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

21 "I (SWEAR/AFFIRM) TO INTERPRET ACCURATELY, COMPLETELY, AND  
 22 IMPARTIALLY AND, EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR  
 23 AS EXPRESSLY AUTHORIZED BY LAW, NOT TO DISCLOSE KNOWINGLY ANY  
 24 INFORMATION OBTAINED WHILE SERVING IN THIS GRAND JURY  
 25 PROCEEDING."

26 COMMITTEE NOTE: Subsections (a), (c), and (d) of this section are new  
 27 language substituted for former CJ §§ 2-503(b)(1) and 8-213, former  
 28 Public Local Laws, Art. 14 [Howard County], § 7.304, former Public Local  
 29 Laws, Art. 16 [Montgomery County], § 12-22 (referring to a grand jury  
 30 clerk who, under § 12-23, must be a court reporter), and the first clause of  
 31 the former fourth sentence of Public Local Laws, Art. 4 [Baltimore City], §  
 32 7-7. The substitution revises Public Local Laws as statewide provisions.

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

34 The reference in subsection (a) of this section to "expressly authorized by  
 35 law" recognizes specific instances in which disclosure is allowed. E.g., CS  
 36 §§ 9-607 and 9-608 and the second clause of the former fourth sentence of  
 37 Public Local Laws, Art. 4 [Baltimore City], § 7-7 revised CJ § 8-417 as to  
 38 reports on investigations other than of correctional facilities. See also Md.  
 39 Rule 4-642(c).

40 The substitution deletes, in subsections (c) and (d) of this section, the

1 former references to the oath being taken "before the clerk of the circuit  
2 court" and before "the clerk of the circuit court for Baltimore City".

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

7 The substitution also uses, in subsection (c) of this section, the word  
8 "ordered" instead of the former word "appointed", to conform to revised CJ  
9 § 2-503, which contemplates the designation of a grand jury reporter from  
10 among court reporters regularly employed by or under contract with a  
11 circuit court, instead of appointment by a jury judge or other circuit court  
12 judge. As to a jury judge, see revised CJ § 8-204.

13 As to oaths administered to a witness before a grand jury, see revised CJ §  
14 9-118.

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

16 8-416. RECORD.

17 (A) DUTY OF COURT REPORTER.

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

20 (B) TRANSCRIPT.

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

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

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

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

36 (C) USE.

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

3 (1) A RECORD OF TESTIMONY GIVEN BEFORE A GRAND JURY IS FOR THE  
4 EXCLUSIVE USE AND BENEFIT OF THE GRAND JURY AND THE STATE'S ATTORNEY;  
5 AND

6 (2) A COURT REPORTER MAY NOT:

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

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

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

17 Subsection (b)(1) through (3) of this section is new language derived from  
18 the first and second sentences of former Public Local Laws, Art. 1  
19 [Allegany County], § 32-6G, Public Local Laws, Art. 14 [Howard  
20 County], § 7.305 and the first through 5th clause of § 7.303, and the first  
21 and fourth sentences of former Public Local Laws, Art. 16 [Montgomery  
22 County], § 12-23, as they related to making, holding, and using  
23 transcripts, and revised to apply statewide.

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

27 Subsection (c)(1) of this section is new language derived from the reference  
28 to use of testimony in former CJ § 2-503(a) and the references to a hearing  
29 and written order in the second sentence of former Public Local Laws, Art.  
30 1 [Allegany County], § 32-6G and the second sentence of former Public  
31 Local Laws, Art. 16 [Montgomery County], § 12-23 and revised to apply  
32 statewide.

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

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

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

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

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

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

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

13 8-417. BALTIMORE CITY INVESTIGATIONS AND REPORTS.

14 (A) SCOPE OF SECTION.

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

16 (B) INVESTIGATIONS.

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

19 (C) REPORTS.

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

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

25 Subsections (b) and (c) of this section are new language derived without  
26 substantive change from former Public Local Laws, Art. 4 [Baltimore  
27 City], § 7-8, as it related to investigations other than visits to correctional  
28 facilities. The codification of the Baltimore City provision here is merely  
29 for convenience and is not intended, by reenactment of a single provision,  
30 to alter any power of a grand jury with regard to recommendations in other  
31 counties. See, e.g., in re report of grand jury of Baltimore City, 152 Md. 616  
32 (1927).

33 In subsection (b) of this section, reference to "a judge" is substituted for the  
34 former reference to "the Judges of the Circuit Court for Baltimore City or  
35 the court's designated visiting Judge", to clarify that any one of the active  
36 judges may order an investigation. The substitution includes a designated

1 judge who, while designated, is deemed a judge of the court to which  
2 designated.

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

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

8 8-418. RESERVED.

9 8-419. RESERVED.

10 PART IV. TRIAL JURY.

11 8-420. PEREMPTORY CHALLENGES IN CRIMINAL CASES.

12 (A) CAPITAL OR LIFE CASE.

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

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

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

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

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

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

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

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

33 (3) THE STATE IS ALLOWED FIVE PEREMPTORY CHALLENGES FOR EACH  
34 DEFENDANT.



1 (C) NONCAPITAL CASE - OTHER.

2 IN EVERY OTHER CRIMINAL TRIAL, EACH PARTY IS ALLOWED FOUR  
3 PEREMPTORY CHALLENGES.

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

6 8-421. MINIMUM SIZE OF JURY AND ARRAY.

7 (A) CIVIL JURY.

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

10 (B) CIVIL ARRAY.

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

13 (C) CRIMINAL ARRAY.

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

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

18 Subsections (b) and (c) of this section are new language derived from  
19 former CJ § 8-303 and revised in the active voice to state affirmatively  
20 that the discretion to dispense is a trial judge's. See also revised CJ §  
21 8-310(a)(2).

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

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

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

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

30 8-422. SEPARATION OR SEQUESTRATION.

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

1 COMMITTEE NOTE: This section is new language derived from former CJ §  
2 8-304 and revised in the active voice to state expressly that the decision is  
3 the trial judge's.

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

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

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

13 8-423. RESERVED.

14 8-424. RESERVED.

15 **PART V. REIMBURSEMENT.**

16 8-425. "PER DIEM" DEFINED.

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

21 COMMITTEE NOTE: This section is new language substituted for former CJ §  
22 8-106(a).

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

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

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

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

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

36 "Prospective juror" § 8-101

1 "Qualified juror" § 8-101

2 8-426. AMOUNT.

3 (A) BASIC.

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

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

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

9 (B) TRIAL JUROR.

10 A TRIAL JUROR IS ENTITLED:

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

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

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

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

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

25 In the introductory language of subsection (a) of this section, reference to  
26 being "in ... proximity to" court is added for consistency to former CJ §  
27 8-106(a) revised CJ § 8-425.

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

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

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

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

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

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

12 "Per diem" § 8-425

13 8-427. LOCAL LEVY AND SUPPLEMENT.

14 (A) MINIMUM SUPPLEMENT.

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

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

22 (B) COUNTY BUDGET.

23 THE GOVERNMENT OF EACH COUNTY SHALL LEVY AND APPROPRIATE FOR  
24 EACH FISCAL YEAR THE AMOUNT NEEDED TO PAY THE STATE PER DIEM, PENDING  
25 REIMBURSEMENT BY THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE  
26 COUNTY SUPPLEMENT, IF ANY.

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

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

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

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

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

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

10 Defined term: "Per diem" § 8-425

11 8-428. STATE BUDGET.

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

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

17 The phrases "for each fiscal year" and "during the year" are added for  
18 clarity.

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

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

22 Defined term: "Per diem" § 8-425

23 8-429. CERTIFICATE OF JURY COMMISSIONER.

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

28 COMMITTEE NOTE: This section is new and added to provide documentation  
29 needed to be paid (see, e.g., Public Local Laws, Art. 8 [Cecil County], §  
30 A277-60B, revised Public Local Laws, Art. 9 [Charles County], §  
31 27-7(b)(2), revised Public Local Laws, Art. 11 [Frederick County], §  
32 2-5-1, and revised Public Local Laws, Art. 16 [Montgomery County], §  
33 12-6).

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

35 "Jury commissioner" § 8-101

36 "Prospective juror" § 8-101

1 "Qualified juror" § 8-101

2 8-430. DONATION.

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

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

8 Defined terms: "Jury plan" § 8-201

9 "Per diem" § 8-425

10 "Prospective juror" § 8-101

11 "Qualified juror" § 8-101

12 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

13 8-501. EMPLOYMENT LOSS.

14 (A) PROHIBITED ACT.

15 AN EMPLOYER MAY NOT DEPRIVE AN INDIVIDUAL OF EMPLOYMENT OR  
16 COERCE, INTIMIDATE, OR THREATEN TO DISCHARGE AN INDIVIDUAL BECAUSE THE  
17 INDIVIDUAL LOSES EMPLOYMENT TIME IN RESPONDING TO A SUMMONS UNDER  
18 THIS TITLE OR ATTENDING, OR BEING IN PROXIMITY TO, A CIRCUIT COURT FOR JURY  
19 SERVICE UNDER THIS TITLE.

20 (B) PENALTY.

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

23 COMMITTEE NOTE: This section is new language derived from former CJ §§  
24 8-105(a) and 8-401(a).

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

28 Also in subsection (a) of this section, reference to "being in proximity to"  
29 court is added for consistency to former CJ § 8-106(a) now revised CJ §  
30 8-425.

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

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

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

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

4 8-502. LEAVE.

5 (A) PROHIBITED ACT.

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

9 (B) PENALTY.

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

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

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

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

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

20 As to other laws governing leave, see, e.g., Public Local Laws, Art. 2 [Anne  
21 Arundel County], Art. 8 § 1-305; Baltimore County Personnel Rules, Title  
22 8, Rule 24.02; Public Local Laws, Art. 5 [Calvert County], §§ 86-4-501  
23 and 86-4-1101; Public Local Laws, Art. 7 [Carroll County], § 48-33;  
24 Public Local Laws, Art. 8 [Cecil County], § A277-60; Public Local Laws,  
25 Art. 9 [Charles County], § 197-12; Public Local Laws, Art. 13 [Harford  
26 County], § 38-38(I); Howard County Employment Manual (2/1/05) at 111;  
27 and Public Local Laws, Art. 17 [Prince George's County] § 16-222(a)(1).

28 8-503. FAILURE TO RETURN COMPLETED JUROR QUALIFICATION FORM.

29 (A) PROHIBITED ACT.

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

32 (B) SHOW CAUSE.

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

1 (C) PENALTIES.

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

5 COMMITTEE NOTE: This section is new language derived from former CJ §  
6 8-401(b), as it related to return of forms.

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

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

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

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

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

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

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

27 8-504. FAILURE TO APPEAR FOR JURY SERVICE.

28 (A) PROHIBITED ACT.

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

31 (B) SHOW CAUSE.

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

34 (C) PENALTIES.



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

4 COMMITTEE NOTE: This section is new language derived from former CJ §  
5 8-401(b), as it related to appearance for jury service.

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

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

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

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

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

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

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

26 8-505. FAILURE TO COMPLETE JURY SERVICE.

27 (A) PROHIBITED ACT.

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

30 (B) SHOW CAUSE.

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

33 (C) PENALTIES.

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

1 COMMITTEE NOTE: This section is new language derived from former CJ §  
2 8-401(b), as it related to failure to complete jury service.

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

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

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

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

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

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

21 8-506. MATERIAL MISREPRESENTATION.

22 (A) PROHIBITED ACT.

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

26 (B) PENALTIES.

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

30 COMMITTEE NOTE: This section is new language derived from former CJ §  
31 8-401(c).

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

34 In subsection (b) of this section, the phrase "guilty of a misdemeanor" is  
35 added to state expressly that which was only implied in the former law. In  
36 this State, any crime that was not a felony at common law and has not

1 been declared to be a felony by statute is considered to be a misdemeanor.  
2 See State v. Canova, 278 Md. 483, 490 (1976); Bowser v. State, 136 Md.  
3 342, 345 (1920); Dutton v. State, 123 Md. 373, 378 (1914); and Williams v.  
4 State, 4 Md. App. 342, 347 (1968).

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

7 8-507. GRAND JURY SECRECY.

8 (A) PROHIBITED ACT.

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

10 (B) PENALTIES.

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

14 (C) REPORTS.

15 THIS SECTION DOES NOT PREVENT:

16 (1) A GRAND JURY FROM SUBMITTING A REPORT AS REQUIRED BY LAW;  
17 OR

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

20 COMMITTEE NOTE: Subsections (a), (b), and (c)(2) of this section are new  
21 language derived without substantive change from former CJ §§  
22 2-503(b)(2) and 8-213.

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

28 In subsection (b) of this section, the phrase "guilty of a misdemeanor" is  
29 added to state expressly that which was only implied in the former law. In  
30 this State, any crime that was not a felony at common law and has not  
31 been declared to be a felony by statute is considered to be a misdemeanor.  
32 See State v. Canova, 278 Md. 483, 490 (1976); Bowser v. State, 136 Md.  
33 342, 345 (1920); Dutton v. State, 123 Md. 373, 378 (1914); and Williams v.  
34 State, 4 Md. App. 342, 347 (1968).

35 In subsection (c)(2) of this section, reference to a "governmental unit" is  
36 added for completeness as "person" generally does not include such units

1 unless expressly stated. As to "person", see Art. 1, § 15 of the Code.

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

9 9-118.

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

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

14 **Article - Election Law**

15 3-506. COPIES OF LIST.

16 (A) PROVIDING - REGISTERED VOTER.

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

19 (I) A WRITTEN APPLICATION; AND

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

22 1. COMMERCIAL SOLICITATION; OR

23 2. ANY OTHER PURPOSE NOT RELATED TO THE ELECTORAL  
 24 PROCESS.

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

27 (I) THE TIME FOR A LIST TO BE PROVIDED UNDER THIS  
 28 SUBSECTION;

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

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

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

32 (V) THE FORMAT OF THE INFORMATION; AND

1 (VI) THE MEDIUM OR MEDIA ON WHICH THE INFORMATION IS TO BE  
2 PROVIDED.

3 (B) PROVIDING - JURY COMMISSIONER.

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

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

10 (C) PROHIBITED ACT AND PENALTIES.

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

15 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,  
16 also repealed and reenacted this section to renumber former subsection (b)  
17 as subsection (a)(2) and to add a new subsection (b), which is derived from  
18 former CJ § 8-204(a) and (c). The State Administrator was required to  
19 allow a jury commissioner to access and copy the list and records and a  
20 circuit court was authorized to compel compliance. In practice, data are  
21 provided from time to time electronically. Stylistic changes also were  
22 made.

23 **Article - Labor and Employment**

24 3-709. JURY SERVICE.

25 AN EMPLOYEE HAS THE DUTIES AND RIGHTS SET FORTH:

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

28 (2) WITH RESPECT TO JURY SERVICE IN A FEDERAL COURT, IN 28 U. S. C.  
29 § 1861 ET SEQ.

30 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,  
31 added this section as a general reference to employee duties and rights  
32 under federal and State law.

1

**Article - Public Safety**

2 13-218. JURY SERVICE.

3 THE MILITARY DEPARTMENT SHALL ADOPT REGULATIONS FOR EXEMPTION OF  
4 A MEMBER OF THE ORGANIZED MILITIA FROM STATE JURY SERVICE THAT WOULD  
5 UNREASONABLY INTERFERE WITH THE PERFORMANCE OF THE MEMBER'S MILITARY  
6 DUTIES OR AFFECT ADVERSELY THE READINESS OF THE ACTIVITY, COMMAND, OR  
7 UNIT TO WHICH THE MEMBER IS ASSIGNED.

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

12

**Article - Transportation**13 ~~12-113. COPIES OF ADMINISTRATION RECORD.~~14 ~~(A) PROVIDING:~~

15 ~~(1) SUBJECT TO § 12-111 OF THIS SUBTITLE AND § 10-616(P) OF THE~~  
16 ~~STATE GOVERNMENT ARTICLE, THE ADMINISTRATOR OR ANY OTHER OFFICER OR~~  
17 ~~EMPLOYEE OF THE ADMINISTRATION WHOM THE ADMINISTRATOR DESIGNATES MAY~~  
18 ~~PROVIDE ON REQUEST A CERTIFIED OR OTHER COPY OF A RECORD OF THE~~  
19 ~~ADMINISTRATION.~~

20 ~~(2) THE ADMINISTRATION SHALL:~~

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

25 ~~(II) COOPERATE WITH JURY COMMISSIONERS IN CORRECTING~~  
26 ~~ERRORS IN OR OTHERWISE UPDATING THE INFORMATION PROVIDED.~~

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

29 ~~(B) FEE.~~

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

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

1           (2)     ~~THE ADMINISTRATION MAY NOT CHARGE A FEE TO A COURT OR ITS~~  
2 ~~JURY COMMISSIONER, A FIRE DEPARTMENT, OR A POLICE AGENCY IN THIS OR ANY~~  
3 ~~OTHER STATE OR A POLICE AGENCY OR COURT OF THE UNITED STATES~~  
4 ~~GOVERNMENT.~~

5           (3)     ~~THE LIMITS UNDER § 10 621 OF THE STATE GOVERNMENT ARTICLE~~  
6 ~~DO NOT APPLY TO A FEE UNDER THIS SUBSECTION.~~

7 ~~COMMITTEE NOTE: Ch. \_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,~~  
8 ~~also repealed former TR § 12 113(a) and enacted this section, to add new~~  
9 ~~subsections (a)(2) and (3) and (b)(2), which is substituted for, or derived~~  
10 ~~without substantive change from, former CJ § 8 204(b)(1), and §~~  
11 ~~8 204(b)(2) and TR § 12 113(a)(3), and § 8 204(e), respectively. Former §~~  
12 ~~8 204(b) required MVA to allow a jury commissioner to access and copy~~  
13 ~~MVA lists, but in practice, data are provided from time to time~~  
14 ~~electronically. Stylistic changes also were made. Ch. \_\_\_\_\_ also renumbered~~  
15 ~~former TR § 12 113(b) as CJ § 10 106.~~

16 12-112.1.

17     (A)     (1)     ON REQUEST, BUT NOT LESS THAN ANNUALLY, THE  
18 ADMINISTRATION SHALL PROVIDE TO THE JURY COMMISSIONERS:

19             (I)     THE LIST OF INDIVIDUALS WHO ARE AT LEAST 18 YEARS OLD  
20 AND HAVE BEEN ISSUED A DRIVER'S LICENSE BY THE ADMINISTRATION; AND

21             (II)    THE LIST OF INDIVIDUALS WHO ARE AT LEAST 18 YEARS OLD  
22 AND HAVE BEEN ISSUED AN IDENTIFICATION CARD BY THE ADMINISTRATION.

23             (2)     THE ADMINISTRATION SHALL PROVIDE THE LISTS DESCRIBED IN  
24 THIS SUBSECTION WITHOUT COST TO THE JURY COMMISSIONERS.

25     (B)     ON APPLICATION BY THE ATTORNEY GENERAL, A CIRCUIT COURT MAY  
26 COMPEL COMPLIANCE WITH THIS SECTION.

27 COMMITTEE NOTE: This section was derived without substantive change  
28 from former CJ § 8-204(b) and (c).

29 ~~13 403.~~

30     ~~(B)     (1)     THE APPLICATION SHALL CONTAIN THE INFORMATION THAT THE~~  
31 ~~ADMINISTRATION REASONABLY REQUIRES TO DETERMINE WHETHER A VEHICLE IS~~  
32 ~~ENTITLED TO REGISTRATION.~~

33             ~~(2)     THE ADMINISTRATION SHALL INCLUDE WITH EACH APPLICATION~~  
34 ~~FORM NOTICE THAT THE APPLICANT SHOULD PROVIDE THE APPROPRIATE JURY~~  
35 ~~COMMISSIONER WITH INFORMATION AS TO CHANGES OF ADDRESS, CHANGES IN~~  
36 ~~CITIZENSHIP, OR OTHER CHANGES AFFECTING JUROR QUALIFICATION.~~

1 ~~COMMITTEE NOTE: Ch. \_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,~~  
 2 ~~also repealed former TR § 13-403(b) and enacted a new subsection (b) to~~  
 3 ~~add paragraph (2).~~

4 ~~As to "include", see Art. 1, § 30 of the Code, and as to State citizenship, see~~  
 5 ~~Moore v. Illinois, 55 U.S. 13, 14 How. 13, 1852 WL 6776, 14 L.Ed. 306~~  
 6 ~~(1852).~~

7 ~~16-106.~~

8 (b) ~~The application shall state:~~

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

12 ~~COMMITTEE NOTE: Ch. \_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,~~  
 13 ~~also amended subsection (b)(1) of this section to add the reference to~~  
 14 ~~"citizenship", to facilitate implementation of the provisions of revised CJ §~~  
 15 ~~8-206(b)(1), which requires use of MVA lists, and revised CJ § 8-103(a)(2),~~  
 16 ~~which requires U. S. citizenship for jury service.~~

### 17 **Article 1 - Allegany County**

18 32-1.

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

33 ~~COMMITTEE NOTE: Ch. \_\_\_\_\_, Acts of 2006, amended this section to delete the~~  
 34 ~~first two sentences, which provided for jury terms, for consistency with~~  
 35 ~~revised CJ Title 8.~~

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



1

**Article 4 - Baltimore City**

2 7-7.

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

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

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

20 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, amended this section to delete the  
21 third paragraph, which provided for attendance at grand jury proceedings  
22 and secrecy now revised CJ § 8-413 as to the State's Attorney and  
23 assistants; revised CJ § 8-414 as to oaths; and revised CJ § 8-507 as to  
24 crimes.

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

27

**Article 5 - Calvert County**

28 86-4-501.

29 Merit employees and part-time and grant-funded employees regularly  
30 scheduled to work 50% or more of the normal pay period are eligible for jury leave in  
31 accordance with the terms of this article. Contractual and appointed employees are  
32 eligible for jury leave only if such leave is granted by an express term of their  
33 employment contract or appointment, respectively. Employees not eligible for jury  
34 leave shall be entitled to an unpaid leave of absence under Article XI of Part 4,  
35 Unpaid Leave of Absence, of this chapter. An eligible employee who serves as a  
36 member of any jury shall be permitted to be absent from work without loss of pay and  
37 without charge against leave. Jurors may retain [compensation] THE STATE PER  
38 DIEM AND COUNTY SUPPLEMENT, IF ANY, received for jury service. Any employee  
39 [called] SUMMONED for jury service must present his/her orders to his/her  
40 Supervisor upon receipt. Any time during the period of jury service on which it is

1 determined that the employee's service is not required as a jury member, or upon  
 2 completion of service for the day, the employee shall immediately report to the  
 3 Supervisor for duty.

4 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,  
 5 also amended this section to substitute the reference to the "State per  
 6 diem" and "county supplement" for the former reference to "compensation",  
 7 to reflect the practice of treating the payment as reimbursement, and to  
 8 substitute "summoned" for "called" as more precise.

9 **Article 9 - Charles County**

10 27-7.

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

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

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

25 (C) Any failure upon the part of said County Commissioners to make said levy  
 26 as aforesaid shall be deemed a misdemeanor, for which they shall be liable to the  
 27 penalty of a fine of not [less than \$25 nor] more than \$100 each, upon conviction  
 28 [before a Justice of the Peace or the Circuit Court for Charles County as in the case  
 29 of other misdemeanors in which Justices of the Peace and the Circuit Court have  
 30 concurrent jurisdiction under the existing law].

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

36 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, amended this section to: (1)  
 37 renumber it as subsections (a), (b)(1), (c), and (d); (2) delete the former  
 38 references to jury terms, for consistency with revised CJ Title 8; (3) delete  
 39 the former reference to "a Justice of the Peace or the Circuit Court for  
 40 Charles County as in the case of other misdemeanors in which Justices of

1 the Peace and the Circuit Court have concurrent jurisdiction under the  
2 existing law", as jurisdiction in misdemeanor cases is in the District Court  
3 and is not concurrent unless the authorized penalty is 3 years' confinement  
4 or more or a fine of \$2,500 or more. See current CJ §§ 4-301(b)(1) and  
5 4-302(d)(1)(i); (4) delete the former reference to "jurors" in subsections (a)  
6 and (b)(1); and (5) add subsection (b)(2). The addition provides for a "jury  
7 commissioner", instead of the "clerk of the circuit court", to issue a  
8 certificate and, for consistency with revised CJ §§ 8-425 and 8-429, refers  
9 to "prospective, qualified, or sworn" jurors and attendance at or "in  
10 proximity to" a court.

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

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

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

#### 18 **Article 10 - Dorchester County**

19 10-21.

20 The County Commissioners shall, at the end of each fiscal year or more often if  
21 it shall be deemed necessary, have an audit made of the accounts of the Treasurer and  
22 Collector for Dorchester County. The audit shall show how much was appropriated  
23 under each item of the budget and also how much was expended under each item of  
24 the budget, and it shall show especially if any item of the budget has been exceeded  
25 and by how much. A copy of the audit shall be delivered by the Auditor to the Clerk of  
26 the Circuit Court for Dorchester County, and the Judge of the Circuit Court who  
27 delivers the charge to the grand jury [at the March session each year] NEXT SITTING  
28 shall call the attention of the grand jury to the audit and shall state to the grand jury  
29 any item of the budget that may be overdrawn and by how much the item has been  
30 overdrawn. The Court shall also call the attention of the grand jury to the penalty for  
31 expending money on any item of the budget in excess of the amount levied for and  
32 stated in the budget. A summary of all expenditures shall be published in accordance  
33 with Article 25, § 24(B) of the Annotated Code of Maryland, and an itemized  
34 statement of county expenses shall be available for public inspection in the office of  
35 the Clerk to the County Commissioners.

36 COMMITTEE NOTE: Ch. \_\_\_\_\_, Acts of 2006, amended this section to delete the  
37 former references to jury terms, for consistency with revised CJ Title 8.

38 The referenced "Article 25, § 24(b)" has been repealed. See, however, Art.  
39 19, § 40 of the Code.

1 **Article 11 - Frederick County**

2 2-5-1.

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

9 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, amended this section to substitute  
10 reference to a "jury commissioner" for the former references to the "clerk of  
11 the circuit court", to add the words "prospective, qualified, or sworn" to  
12 modify "juror", and to add the phrase "in proximity to" the court, for  
13 consistency with revised CJ §§ 8-425 and 8-429. Additional stylistic  
14 changes were made.

15 **Article 12 - Garrett County**

16 58-2.

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

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

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

27 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,  
28 also amended this section, to delete the former references to the levy for  
29 jurors - now revised CJ § 8-427(b).

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

33 **Article 16 - Montgomery County**

34 12-3.

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

1 COMMITTEE NOTE: Ch.\_\_\_\_\_, Acts of 2006, which enacted revised CJ Title 8,  
2 also amended this section, to delete the reference to the levy for jurors -  
3 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 12-6.

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

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

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

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

26 12-21.

27 [Upon the organization of each grand jury the judge of the circuit court for the  
28 county may and is hereby authorized and empowered to appoint a clerk who shall be  
29 a competent stenographer, at a compensation to be determined from time to time by  
30 the judge of the circuit court for the county making such appointment, to be paid by  
31 the council. Such clerk shall have authority to take and transcribe the testimony  
32 given before any grand jury in such county, and, whenever] WHENEVER required by  
33 the state's attorney[, shall attend upon and] THE COURT REPORTER ORDERED TO  
34 take and transcribe GRAND JURY TESTIMONY SHALL TAKE AND TRANSCRIBE the  
35 testimony given at the coroner's inquest, and all of such testimony so taken and  
36 transcribed shall be for the exclusive use and benefit of the grand jury and the state's  
37 attorney of such county, unless otherwise ordered by the court.

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

**Article 24 - Worcester County**

1 CJ 1-203.

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

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

7 (1) a per diem [amount] in accordance with Public General Law [for  
8 each day the juror attends court.], COURTS AND JUDICIAL PROCEEDINGS ARTICLE, §  
9 8-426; AND

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

12 (2) \$10 per day for mileage.

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

15 SECTION ~~16-14~~. AND BE IT FURTHER ENACTED, That nothing in this Act  
16 may be construed to affect the validity, powers, duties, or acts of any grand or trial  
17 jury in existence before or on the effective date of this Act or the powers or duties of  
18 any member of such jury.

19 SECTION ~~17-15~~. AND BE IT FURTHER ENACTED, That all laws or parts of  
20 laws, public general or public local, inconsistent with this Act, are repealed to the  
21 extent of the inconsistency.

22 SECTION ~~18-16~~. AND BE IT FURTHER ENACTED, That the publisher of the  
23 Annotated Code of Maryland, in consultation with and subject to the approval of the  
24 Department of Legislative Services, shall correct, with no further action required by  
25 the General Assembly cross references and terminology rendered incorrect by this Act  
26 or by any other Act of the General Assembly of 2006 that affects provisions enacted by  
27 this Act. The publisher shall adequately describe any such correction in an editor's  
28 note following the section affected.

29 SECTION ~~19-17~~. AND BE IT FURTHER ENACTED, That the catchlines,  
30 captions, and Committee Notes of the Jury Law Revision Subcommittee of the  
31 Maryland Judicial Conference contained in this Act are not law and may not be  
32 considered to have been enacted as part of this Act.

33 SECTION ~~20-18~~. AND BE IT FURTHER ENACTED, That the provisions of  
34 Section(s) 8-201(c), 8-212(b) and (c), and 8-401(d) of Article - Courts and Judicial  
35 Proceedings are not repealed under this Act until the effective date of the rules that  
36 the Court of Appeals adopts in accordance with Section 8-105 of Article - Courts and  
37 Judicial Proceedings as enacted by this Act.

1 SECTION ~~21~~19, AND BE IT FURTHER ENACTED, That, subject to the  
2 provisions of Section ~~20~~18 of this Act, this Act shall take effect October 1, 2006.