

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Chairman, Judicial Proceedings Committee (By Request - Maryland Judicial Conference)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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,

1 transcripts, and investigations in a certain jurisdiction, reimbursement with
 2 State per diem and local supplement, budget requirements, certificate of jury
 3 commissioner, donations, and prohibited acts and penalties as to employment
 4 loss, leave policies, failure to return completed juror qualification forms, to
 5 appear for jury service, or to complete jury service, material misrepresentations,
 6 records, and access and other disclosures of information; providing for certain
 7 misdemeanors to be within the exclusive original jurisdiction of the circuit
 8 courts; adding a provision referencing rights and duties of employees in
 9 connection with jury service; altering the duties of the State Administrator of
 10 Elections or a designee with regard to providing voter registration lists to jury
 11 commissioners; ~~altering the duties of the Motor Vehicle Administrator or a~~
 12 ~~designee with regard to providing lists of driver's license and identity card~~
 13 ~~holders and providing notice with vehicle registration information; altering~~
 14 ~~application requirements; requiring cooperation in keeping data current;~~
 15 requiring the Military Department to adopt certain regulations as to exemption
 16 of a member of the organized militia from State jury service; altering provisions
 17 for disclosure of jury lists to the Director of the Health Claims Arbitration
 18 Office; repealing provisions relating to jury terms; deleting a defined term;
 19 defining certain terms; repealing inconsistent and obsolete laws; ~~renumbering~~
 20 ~~certain provisions relating to admission of records;~~ making certain stylistic
 21 changes; authorizing the publisher of the Annotated Code of Maryland to make
 22 certain corrections; establishing that certain catchlines, captions, and
 23 Committee Notes in this Act are not law; providing for effective dates of this Act;
 24 and generally relating to juries and jury service.

25 BY repealing

26 Article - Courts and Judicial Proceedings
 27 Section 2-501(b), 2-503; 8-101 through 8-401, inclusive, and the title "Title 8.
 28 Juries", and 9-118(b)
 29 Annotated Code of Maryland
 30 (2002 Replacement Volume and 2005 Supplement)

31 BY repealing

32 Article - Election Law
 33 Section 3-506
 34 Annotated Code of Maryland
 35 (2003 Volume and 2005 Supplement)

36 ~~BY repealing~~

37 ~~Article - Transportation~~
 38 ~~Section 12-113(a) and 13-403(b)~~
 39 ~~Annotated Code of Maryland~~
 40 ~~(2002 Replacement Volume and 2005 Supplement)~~

41 BY repealing

42 The Public Local Laws of Allegany County

1 Section 32-6 G and H and 53-1 through 53-4, inclusive
2 Article 1 - Public Local Laws of Maryland
3 (1983 Edition and February 2005 Supplement, as amended)

4 BY repealing
5 The Public Local Laws of Baltimore County
6 Section 6-2-101
7 Article 3 - Public Local Laws of Maryland
8 (2003 Edition and December 2005 Supplement, as amended)

9 BY repealing
10 The Public Local Laws of Baltimore City
11 Section 7-8 and 7-10
12 Article 4 - Public Local Laws of Maryland
13 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

14 BY repealing
15 The Public Local Laws of Dorchester County
16 Section 7-2
17 Article 10 - Public Local Laws of Maryland
18 (1984 Edition and January 2005 Supplement, as amended)

19 BY repealing
20 The Public Local Laws of Frederick County
21 Section 2-5-16
22 Article 11 - Public Local Laws of Maryland
23 (2004 Edition and June 2005 Supplement, as amended)

24 BY repealing
25 The Public Local Laws of Garrett County
26 Section 17-1, 58-1, and 58-3 through 58-7, inclusive
27 Article 12 - Public Local Laws of Maryland
28 (1985 Edition and October 2001 Supplement, as amended)

29 BY repealing
30 The Public Local Laws of Howard County
31 Section 7.303 through 7.306, inclusive
32 Article 14 - Public Local Laws of Maryland
33 (1995 Edition and November 2005 Supplement, as amended)

34 BY repealing
35 The Public Local Laws of Montgomery County
36 Section 12-22 through 12-24, inclusive

- 1 Article 16 - Public Local Laws of Maryland
2 (1997 Edition and December 2005 Supplement, as amended)
- 3 BY repealing
4 The Public Local Laws of Prince George's County
5 Section 7-101
6 Article 17 - Public Local Laws of Maryland
7 (2003 Edition, as amended)
- 8 BY repealing
9 The Public Local Laws of Wicomico County
10 Section 13-2
11 Article 23 - Public Local Laws of Maryland
12 (1997 Edition and August 2005 Supplement, as amended)
- 13 ~~BY transferring~~
14 ~~Article - Transportation~~
15 ~~Section 12-113(b)~~
16 ~~Annotated Code of Maryland~~
17 ~~(2002 Replacement Volume and 2005 Supplement)~~
18 ~~to be~~
19 ~~Article - Courts and Judicial Proceedings~~
20 ~~Section 10-106~~
21 ~~Annotated Code of Maryland~~
22 ~~(2002 Replacement Volume and 2005 Supplement)~~
- 23 BY adding to
24 Article - Courts and Judicial Proceedings
25 Section 1-502, 2-501(b), 2-503; 8-101 through 8-507, inclusive, to be under the
26 new title "Title 8. Juries and Jurors"; and 9-118(b)
27 Annotated Code of Maryland
28 (2002 Replacement Volume and 2005 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article - Courts and Judicial Proceedings
31 Section 3-2A-03(c)(2)
32 Annotated Code of Maryland
33 (2002 Replacement Volume and 2005 Supplement)
- 34 BY adding to
35 Article - Election Law
36 Section 3-506
37 Annotated Code of Maryland

1 (2003 Volume and 2005 Supplement)

2 BY adding to

3 Article - Labor and Employment

4 Section 3-709

5 Annotated Code of Maryland

6 (1999 Replacement Volume and 2005 Supplement)

7 BY adding to

8 Article - Public Safety

9 Section 13-218

10 Annotated Code of Maryland

11 (2003 Volume and 2005 Supplement)

12 BY adding to

13 Article - Transportation

14 Section ~~12-113 and 13-403(b)~~ 12-112.1

15 Annotated Code of Maryland

16 (2002 Replacement Volume and 2005 Supplement)

17 ~~BY repealing and reenacting, with amendments,~~

18 ~~Article - Transportation~~

19 ~~Section 16-106(b)(1)~~

20 ~~Annotated Code of Maryland~~

21 ~~(2002 Replacement Volume and 2005 Supplement)~~

22 BY repealing and reenacting, with amendments,

23 The Public Local Laws of Allegany County

24 Section 32-1

25 Article 1 - Public Local Laws of Maryland

26 (1983 Edition and February 2005 Supplement, as amended)

27 BY repealing and reenacting, with amendments,

28 The Public Local Laws of Baltimore City

29 Section 7-7

30 Article 4 - Public Local Laws of Maryland

31 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

32 BY repealing and reenacting, with amendments,

33 The Public Local Laws of Calvert County

34 Section 86-4-501

35 Article 5 - Public Local Laws of Maryland

36 (2002 Edition and September 2004 Supplement, as amended)

1 BY repealing and reenacting, with amendments,
2 The Public Local Laws of Charles County
3 Section 27-7
4 Article 9 - Public Local Laws of Maryland
5 (1994 Edition and July 2004 Supplement, as amended)

6 BY repealing and reenacting, with amendments,
7 The Public Local Laws of Dorchester County
8 Section 10-21
9 Article 10 - Public Local Laws of Maryland
10 (1984 Edition and January 2005 Supplement, as amended)

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of Frederick County
13 Section 2-5-1
14 Article 11 - Public Local Laws of Maryland
15 (2004 Edition and June 2005 Supplement, as amended)

16 BY repealing and reenacting, with amendments,
17 The Public Local Laws of Garrett County
18 Section 58-2
19 Article 12 - Public Local Laws of Maryland
20 (1985 Edition and October 2001 Supplement, as amended)

21 BY repealing and reenacting, with amendments,
22 The Public Local Laws of Montgomery County
23 Section 12-3, 12-6, and 12-21
24 Article 16 - Public Local Laws of Maryland
25 (1997 Edition and December 2005 Supplement, as amended)

26 BY repealing and reenacting, with amendments,
27 The Public Local Laws of Worcester County
28 Section CJ 1-203
29 Article 24 - Public Local Laws of Maryland
30 (1994 Edition and March 2005 Supplement, as amended)

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

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

1 ~~SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 12-113(a) and~~
2 ~~13-403(b) of Article - Transportation of the Annotated Code of Maryland be repealed.~~

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

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

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

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

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

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

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

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

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

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

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

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

Article - Courts and Judicial Proceedings

1-502. JURISDICTION AS TO JURY OFFENSES.

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

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

Defined term: "Circuit court" § 1-101

2-501.

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

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

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

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

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

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

In subsection (b)(2)(i) of this section, reference to a reporter being "ordered" to take testimony is added to conform to revised CJ § 2-503, which

1 contemplates the designation of a grand jury reporter from among court
2 reporters regularly employed by or under contract with a circuit court,
3 instead of appointment by a jury judge.

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

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

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

17 2-503. GRAND JURY REPORTER.

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

21 COMMITTEE NOTE: This section is new language substituted for the former
22 second sentence of Public Local Laws, Art. 16 [Montgomery County], §
23 12-21 and the former first sentence and former CJ § 2-503(a), as they
24 related to "appoint[ing]" a "stenographer". The substitution contemplates
25 the designation of a grand jury reporter from among court reporters
26 regularly employed by or under contract with a circuit court, instead of
27 appointment by a jury judge or other circuit court judge, and encompasses
28 other methods of reporting.

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

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

31 3-2A-03.

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

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

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

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

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

14 TITLE 8. JURIES AND JURORS.

15 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

16 8-101. DEFINITIONS.

17 (A) IN GENERAL.

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

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

20 No changes are made.

21 (B) JURY COMMISSIONER.

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

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

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

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

32 Defined term: "Jury plan" § 8-101

33 (C) JURY PLAN.

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

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

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

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

7 (D) PROSPECTIVE JUROR.

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

11 COMMITTEE NOTE: This subsection is new and added to allow consistent
12 reference to individuals at the stage in the selection process before
13 qualification, formerly called "[p]ersons selected to be mailed juror
14 qualification forms under § 8-206 of this subtitle" (former CJ § 8-202(2)(i))
15 and "names ... to be placed initially in the master jury wheel" (former CJ §
16 8-202(2)(ii)). The addition reflects former CJ § 8-202(2)(i), which
17 authorized use of electronic or other devices besides a "wheel".

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

19 (E) QUALIFIED JUROR.

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

22 COMMITTEE NOTE: This subsection is new and added to allow consistent
23 reference to individuals at the stage in the selection process after
24 qualification, formerly called "names drawn from the qualified jury wheel"
25 (former CJ § 8-202(3) and (4)) and "names of all persons drawn from the
26 master jury wheel who are determined to be qualified as jurors under §
27 8-207 and not exempt under § 8-209 or excused under § 8-210" (former CJ
28 § 8-208(a)(1)). The addition reflects former CJ § 8-208(a)(1), which
29 authorized use of electronic or other devices besides a "wheel".

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

31 (F) SOURCE POOL.

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

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

1 Defined terms: "Jury plan" § 8-101

2 "Prospective juror" § 8-101

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

8 8-102. DUTY AND RIGHTS.

9 (A) DUTY AND RIGHT.

10 EACH ADULT CITIZEN OF THIS STATE HAS:

11 (1) THE OPPORTUNITY FOR JURY SERVICE; AND

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

13 (B) DISCRIMINATION BARRED.

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

16 (C) RECOMMENDATIONS BARRED.

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

18 (D) VOLUNTEERS BARRED.

19 VOLUNTEERS FOR JURY SERVICE SHALL BE REFUSED.

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

22 Subsection (b) of this section is new language derived from former CJ §
23 8-103.

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

26 In the introductory language of subsection (a) of this section, the word
27 "adult" is added to modify "citizen", to reflect the substance of former CJ §
28 8-104(a)(1) through (3) now revised CJ § 8-206(b)(1). As to "adult", see Art.
29 1, § 24 of the Code and revised CJ § 8-103(a)(1), and, as to State
30 citizenship, see *Moore v. Illinois*, 55 U.S. 13, 14 How. 13, 1852 WL 6776, 14
31 L.Ed. 306 (1852).

32 In subsections (a)(1) and (b) of this section, reference to "jury service" is
33 substituted for the former references to serving "on grand and petit juries",
34 "as a juror", and "as a grand or petit juror in the courts of the State", for

1 brevity and consistency.

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

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

5 8-103. QUALIFICATION CRITERIA.

6 (A) REQUIREMENTS.

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

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

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

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

12 (B) DISQUALIFYING FACTORS.

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

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

17 (2) CANNOT COMPREHEND WRITTEN ENGLISH, READ ENGLISH, OR
18 WRITE ENGLISH PROFICIENTLY ENOUGH TO COMPLETE A JUROR QUALIFICATION
19 FORM SATISFACTORILY;

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

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

26 (5) HAS A CHARGE PENDING, IN A FEDERAL OR STATE COURT OF
27 RECORD, FOR A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ~~1 YEAR~~ 6
28 MONTHS AND RECEIVED A SENTENCE OF IMPRISONMENT FOR MORE THAN 6
29 MONTHS.

30 (C) CONVICTION.

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

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

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

3 (1) ~~IS NOT INCARCERATED, ON PROBATION, OR ON PAROLE, OR~~
4 ~~REQUIRED UNDER FEDERAL OR STATE LAW TO REGISTER AS A CHILD SEXUAL~~
5 ~~OFFENDER, AN OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A SEXUALLY~~
6 ~~VIOLENT PREDATOR; AND~~

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

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

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

27 Subsection (b)(4) and (5) of this section is new language substituted for
28 former CJ § 8-207(b)(5) and (6), which excluded individuals based on a
29 crime "punishable by a fine of more than \$500, or by imprisonment for
30 more than six months, or both" or a charge of wilful misrepresentation to
31 avoid jury service. The substitution uses crimes "punishable by
32 imprisonment exceeding ~~4-year~~ 6 months" (instead of the infamous crime
33 standard in Md. Const., Art. I § 4 as implemented by current EL § 3-102(b)
34 and (c)), ~~to be consistent with the requirement for federal jury duty under~~
35 ~~28 U.S.C. §§ 1865(b)(5) and 1869(h) and, thereby, to avoid a dual standard~~
36 ~~in Maryland. However, subsection (c) of this section is new and added to~~
37 ~~allow a disqualifying conviction to be overcome, not only by pardon (as~~
38 ~~allowed under former CJ § 8-207(b)(5)) but by the passage of time after~~
39 ~~completion of sentence.~~

40 In the introductory language of subsection (b) of this section, reference to
41 the federal Americans with Disabilities Act is added for consistency with
42 the addition of "disability" in revised CJ § 8-102(b) and to emphasize the
43 public policy of this State to avoid discrimination based on disability. See,

1 e.g., Art. 49B of the Code. In accord with that policy, in subsection (b)(3) of
2 this section, reference to a "disability" is substituted for the former
3 references to a "physical or mental infirmity" and "infirmity".

4 Also in the introductory language of subsection (b) of this section, the word
5 "individual" is substituted for the former word "person" to emphasize that
6 only a natural being qualifies for jury service. As to "person", see Art. 1, §
7 15 of the Code.

8 In subsection (b)(2) of this section, the word "comprehend" is substituted
9 for the former word "understand", for consistency with former CJ §
10 8-207(b)(3) now subsection (b)(1).

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

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

18 Subsection (c) of this section is new language derived from former CJ §
19 8-207(b)(5).

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

21 8-104. SELECTION POLICY.

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

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

27 The word "adult" is added to modify "citizens", to reflect the substance of
28 former CJ § 8-104(a)(1) through (3) now revised CJ § 8-206(b)(1). As to
29 "adult", see Art. 1, § 24 of the Code and revised CJ § 8-103(a)(1) and, as to
30 State citizenship, see Moore v. Illinois, 55 U.S. 13, 14 How. 13, 1852 WL
31 6776, 14 L.Ed. 306 (1852).

32 The phrase "for a county" is substituted for the former clause "where the
33 court convenes", to accommodate an extraordinary circumstance that
34 might require a court to sit outside its county. As to "county", see Art. 1, §
35 14 of the Code.

36 The introductory clause of former CJ § 8-102(a), "[w]hen a litigant ... is
37 entitled to trial by a petit jury and when a person accused of a criminal
38 offense is presented to a grand jury", is deleted as surplusage and, as it

1 related to grand juries, inaccurate as a person need not be accused at
2 presentation.

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

6 8-105. DISCLOSURE OF INFORMATION.

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

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

12 (B) CHALLENGES.

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

15 (C) INFORMATION FOR STATE BOARD OF ELECTIONS.

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

19 (D) INFORMATION FOR STATE MOTOR VEHICLE ADMINISTRATION.

20 THE RULES SHALL PROVIDE FOR DISCLOSURE OF INFORMATION TO THE STATE
21 MOTOR VEHICLE ADMINISTRATION AS NEEDED TO CORRECT DATA THAT THE
22 ADMINISTRATION PROVIDES.

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

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

36 "Qualified juror" § 8-101

1 8-106. CONSTRUCTION.

2 (A) INHERENT AUTHORITY.

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

5 (B) POSTCONVICTION RELIEF.

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

9 (C) UNIFIED QUALIFICATION AND SUMMONSING.

10 NOTHING IN THIS TITLE BARS A CIRCUIT COURT FROM USING A SINGLE
11 PROCEDURE FOR QUALIFICATION AND SUMMONSING AS ITS JURY PLAN
12 AUTHORIZES.

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

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

20 Subsection (c) of this section is new language derived from former CJ §
21 8-208.1(a) and revised to require that a single procedure be authorized in
22 a jury plan. See revised CJ § 8-214.

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

24 Former Public Local Laws, Art. 4 [Baltimore City], § 7-10, which deemed
25 the Public Local Laws "relating to the mode of drawing and summoning
26 jurors" to be "directory" and barred quashing an indictment or
27 presentment, reversing or staying a judgment, or challenging an array
28 based on noncompliance with "the provisions of law relating to the drawing
29 of jurors in the City of Baltimore", is deleted as inconsistent with
30 postconviction proceedings, referenced in former CJ § 8-211(e) now
31 subsection (b) of this section and challenges, provided for in former CJ §
32 8-211 now revised CJ §§ 8-408 and 8-409.

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

34 "Jury plan" § 8-101

1 SUBTITLE 2. JURY PLAN.

2 8-201. REQUIRED.

3 EACH CIRCUIT COURT SHALL HAVE A WRITTEN PLAN FOR JURY SELECTION
4 AND SERVICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE.5 COMMITTEE NOTE: This section is new language derived from former CJ §
6 8-201(a)(1).7 Reference to a plan for "jury selection and service" is substituted for the
8 former reference to a plan for "random selection of grand and petit jurors",
9 to reflect that the requirements extend beyond individual jurors to the
10 entire jury and beyond selection. See, e.g., former CJ § 8-211 now
11 generally revised CJ §§ 8-408 and 8-409.12 Reference to "requirements" is substituted for the former reference to
13 "objectives", to reflect that former CJ § 8-102(a) now revised CJ § 8-104
14 imposes a duty.15 The former phrase "of a county" is deleted as unnecessary in light of the
16 definition of "circuit court".17 Except for the provisions as to grand jury forepersons (see revised CJ §
18 8-211), former Public Local Laws, Art. 1 [Allegheny County], §§ 53-1
19 through 53-3 and former Public Local Laws, Art. 12 [Garrett County], §§
20 58-3 through 58-5 and 58-7, which provided details for selection in those
21 counties, are deleted as obsolete, the most current amendments being Ch.
22 158, Acts of 1951, and Ch. 837, Acts of 1914, respectively.

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

24 8-202. RULES.

25 THE COURT OF APPEALS MAY ADOPT RULES TO GOVERN THE PROVISIONS AND
26 IMPLEMENTATION OF JURY PLANS.27 COMMITTEE NOTE: This section is new language derived without substantive
28 change from former CJ § 8-201(a)(2).

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

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

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

33 Defined term: "Jury plan" § 8-101

1 8-203. CHANGES.

2 (A) PROPOSAL OF CIRCUIT COURT.

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

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

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

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

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

12 (B) ORDER OF COURT OF APPEALS.

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

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

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

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

19 COMMITTEE NOTE: Subsections (a)(1) through (3)(i) and (b) of this section are
20 new language derived without substantive change from former CJ §
21 8-203(b) and (c).

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

24 In subsection (a), references to "propos[ing]" and "proposal[s]" are
25 substituted for the former authority to "modify" and former references to
26 "modification[s]" and "promp[t]" filing, to reflect the requirement for
27 approval.

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

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

32 Former CJ § 8-203(a), which defined "modification", is deleted as obsolete
33 to the extent that it referred to "establishment of a new plan" and as
34 unnecessary to the extent that "change" encompasses "modification or

1 replacement of an existing one".

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

3 "Jury plan" § 8-101

4 8-204. REQUIRED PROVISIONS - JURY JUDGE.

5 (A) REQUIRED.

6 EACH JURY PLAN SHALL DESIGNATE A JURY JUDGE.

7 (B) CHOICES.

8 THE JURY JUDGE FOR A CIRCUIT COURT SHALL BE:

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

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

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

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

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

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

23 "Jury plan" § 8-101

24 8-205. REQUIRED PROVISIONS - JURY COMMISSIONER.

25 (A) REQUIRED.

26 EACH JURY PLAN SHALL DESIGNATE A JURY COMMISSIONER.

27 (B) CHOICES.

28 THE JURY COMMISSIONER FOR A CIRCUIT COURT SHALL BE:

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

30 (2) ANOTHER INDIVIDUAL DESIGNATED IN THE MANNER SET FORTH IN
31 THE JURY PLAN.

1 (C) ACTING JURY COMMISSIONER.

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

5 (D) DUTIES.

6 THE JURY COMMISSIONER FOR A CIRCUIT COURT SHALL MANAGE JURY
7 SELECTION AND SERVICE, UNDER THE CONTROL AND SUPERVISION OF THE JURY
8 JUDGE FOR THE CIRCUIT COURT.

9 (E) COMPENSATION.

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

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

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

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

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

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

25 "Jury commissioner" § 8-101

26 "Jury plan" § 8-101

27 8-206. REQUIRED PROVISIONS - SOURCE POOL.

28 (A) REQUIRED.

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

31 (B) SOURCES.

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

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

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

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

8 (2) THE SOURCE POOL UNDER THE JURY PLAN FOR A COUNTY MAY
 9 INCLUDE ANY OTHER LIST OF RESIDENTS OF THE COUNTY THAT THE JURY PLAN
 10 AUTHORIZES.

11 (C) SELECTION.

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

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

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

23 Subsection (b) of this section is new language derived without substantive
 24 change from former CJ § 8-104(a), the second sentence of former CJ §
 25 8-202(3), the reference to lists in the first sentence of (2), and the reference
 26 to "the general election preceding the time of refilling" in the fourth
 27 sentence of (2)(ii).

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

31 In the introductory language of subsection (b)(1) of this section, the word
 32 "adults" is substituted for the former references to an individual "at least
 33 18 years old", for brevity. As to "adult", see Art. 1, § 24 of the Code.

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

38 In subsection (c)(1) of this section, the former reference to a "clerk" is

1 deleted as unnecessary in light of the newly defined term "jury
2 commissioner".

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

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

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

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

15 "Jury plan" § 8-101

16 "Prospective juror" § 8-101

17 "Source pool" § 8-101

18 8-207. REQUIRED PROVISIONS - PROSPECTIVE AND QUALIFIED JUROR POOLS.

19 (A) REQUIRED.

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

22 (B) MINIMUM NUMBER OF PROSPECTIVE JURORS.

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

25 (2) THE MINIMUM NUMBER SHALL BE:

26 (I) AT LEAST 150; AND

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

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

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

35 COMMITTEE NOTE: Subsection (a) of this section is new language derived
36 from the introductory language of former CJ § 8-202 and the fourth

1 sentence of (2)(ii) and revised to apply to creation of a "qualified" jury pool,
2 as well as a "prospective juror pool" (formerly referred to as a "master jury
3 wheel"). The revision, and the substitution in subsections (b)(1), (2)(ii), and
4 (4) of this section of references to selecting names from the "source pool" for
5 the former references to placing names "initially in the master jury wheel"
6 and "master wheel", conform to former CJ § 8-202(2)(i), which provided for
7 use of electronic or other devices besides a wheel.

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

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

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

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

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

16 "Jury plan" § 8-101

17 "Prospective juror" § 8-101

18 "Qualified juror" § 8-101

19 "Source pool" § 8-101

20 8-208. REQUIRED PROVISIONS - SERVICE.

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

23 COMMITTEE NOTE: This section is new and added to reflect the addition of
24 revised CJ § 8-401(a)(2) substituted for the second sentence of former CJ §
25 8-208(b), which required service "personally, by certified mail, return
26 receipt requested, bearing a postmark from the United States Postal
27 Service, or by first-class mail", to accommodate alternative forms of
28 delivery.

29 Defined term: "Jury plan" § 8-101

30 8-209. REQUIRED PROVISIONS - ALLOCATION OF QUALIFIED JURORS.

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

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

35 Reference to "qualified jurors" is substituted for the former reference to the
36 names from the qualified jury "wheel", to conform to former CJ §
37 8-208(a)(1), which provided for use of electronic or other devices besides a

1 "wheel".

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

5 Defined terms: "Jury plan" § 8-101

6 "Qualified juror" § 8-101

7 8-210. REQUIRED PROVISIONS - CHANGES FOR JURY JUDGE'S ATTENTION.

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

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

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

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

16 "Jury plan" § 8-101

17 "Prospective juror" § 8-101

18 "Qualified juror" § 8-101

19 8-211. REQUIRED PROVISIONS - GRAND JURY FOREPERSONS.

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

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

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

29 Defined term: "Jury plan" § 8-101

30 8-212. AUTHORIZED PROVISIONS - JUROR QUALIFICATION FORMS.

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

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

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

4 Defined term: "Jury plan" § 8-101

5 8-213. AUTHORIZED PROVISIONS - AGREEMENTS.

6 THE JURY PLAN OF A CIRCUIT COURT MAY PROVIDE FOR AN AGREEMENT
7 BETWEEN THE CIRCUIT COURT AND THE ADMINISTRATIVE OFFICE OF THE COURTS
8 OR A PERSON, FOR THE ADMINISTRATIVE OFFICE OR PERSON TO:

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

11 (2) HAVE JUROR QUESTIONNAIRE FORMS SENT AS THE JURY PLAN
12 REQUIRES;

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

14 (4) PROVIDE ANY OTHER SERVICE AS TO JURY SELECTION AND
15 SERVICE.

16 COMMITTEE NOTE: This section is new language derived from former CJ §
17 8-201(b)(1) and (2).

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

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

27 Also in item (1) of this section, the word "randomly", which formerly
28 modified "selected", and the former phrase "from the sources specified in
29 this title", are deleted as unnecessary in light of former CJ §§ 8-102(a) and
30 8-104(a) now revised CJ §§ 8-104 and 8-206(a).

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

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

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

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

2 "Jury plan" § 8-101

3 8-214. AUTHORIZED PROVISIONS - UNIFIED QUALIFICATION AND SUMMONSING.

4 A JURY PLAN MAY SET A SINGLE PROCEDURE FOR QUALIFICATION AND
5 SUMMONSING FOR JURY SERVICE.

6 COMMITTEE NOTE: This section is new and added to reflect former CJ §
7 8-209.1(a), which is revised in CJ § 8-106(c) to require a single procedure
8 be authorized in a jury plan.

9 Defined term: "Jury plan" § 8-101

10 8-215. AUTHORIZED PROVISIONS - DISQUALIFICATION, EXCUSAL, AND EXEMPTION
11 OF PROSPECTIVE OR QUALIFIED JURORS AND POSTPONEMENT OF SERVICE.

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

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

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

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

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

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

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

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

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

2 "Jury plan" § 8-101

3 "Prospective juror" § 8-101

4 "Qualified juror" § 8-101

5 8-216. AUTHORIZED PROVISIONS - FREQUENCY OF SERVICE.

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

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

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

15 Defined term: "Jury plan" § 8-101

16 8-217. AUTHORIZED PROVISIONS - DONATION PROGRAMS.

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

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

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

23 Defined terms: "Jury plan" § 8-101

24 "Prospective juror" § 8-101

25 "Qualified juror" § 8-101

26 SUBTITLE 3. PROSPECTIVE AND QUALIFIED JURORS.

27 PART I. PROSPECTIVE JURORS.

28 8-301. PROSPECTIVE JUROR POOL.

29 (A) SELECTION.

30 AT EACH INTERVAL SET IN A JURY PLAN FOR A COUNTY, ITS JURY
31 COMMISSIONER SHALL HAVE NAMES SELECTED FROM THE SOURCE POOL IN THE
32 NUMBER THAT THE JURY COMMISSIONER DECIDES WILL SATISFY THE NEEDS FOR
33 JURY SERVICE FOR THE INTERVAL.

34 (B) POOL.

1 NAMES SELECTED UNDER THIS SECTION CONSTITUTE A PROSPECTIVE JUROR
2 POOL.

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

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

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

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

18 Also in subsection (a) of this section, the former phrase "at random" is
19 deleted as unnecessary in light of former CJ § 8-102(a) now revised CJ §
20 8-104.

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

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

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

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

30 "Jury plan" § 8-101

31 "Prospective juror" § 8-101

32 "Source pool" § 8-101

33 8-302. INITIAL QUESTIONS.

34 (A) BASIC FORM.

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

JUROR QUALIFICATION FORM

1

2 NAME:

3 RESIDENT ADDRESS:

4 AGE: _____ DATE OF BIRTH: _____

5 IF YOU ARE OVER 70 YEARS OF AGE, DO YOU WISH TO BE EXEMPTED FROM JURY
6 SERVICES? _____ YES _____ NO

7 U.S. CITIZEN? _____ YES _____ NO

8 ABLE TO COMPREHEND, READ, SPEAK, AND WRITE
9 ENGLISH? _____ YES _____ NO

10 EDUCATION: _____

11 OCCUPATION OF PROSPECTIVE JUROR: _____

12 OCCUPATION OF SPOUSE, IF ANY: _____

13 DISABILITY PREVENTING SATISFACTORY JURY SERVICE? _____ YES _____ NO

14 PENDING CHARGE FOR A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ~~1 YEAR~~
15 6 MONTHS? _____ YES _____ NO

16 CONVICTION OF CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ~~1 YEAR~~ 6
17 MONTHS AND RECEIVED A SENTENCE OF IMPRISONMENT FOR MORE THAN 6
18 MONTHS AND NOT LEGALLY PARDONED? _____ YES _____ NO

19 DATE OF CONVICTION _____

20 ~~ARE YOU CURRENTLY:~~ _____ ~~INCARCERATED~~ _____ ~~REQUIRED TO REGISTER~~

21 ~~AS CHILD SEXUAL~~

22 ~~ON PAROLE~~ _____ ~~OFFENDER, OFFENDER,~~

23 ~~SEXUALLY VIOLENT~~

24 ~~ON PROBATION~~ _____ ~~OFFENDER OR SEXUALLY~~

25 ~~VIOLENT PREDATOR~~

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

28 _____ ACTIVE DUTY MEMBER OF ARMED FORCES EXEMPTED IN ACCORDANCE WITH
29 10 U.S.C. § 982.

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

32 PRIOR JURY SERVICE WITHIN 3 PRECEDING YEARS: _____

33 FORM COMPLETED BY ME _____ ANOTHER (NAME) _____ AND,

1 IF ANOTHER, WHY?

2 UNDER THE PENALTIES OF PERJURY, THE RESPONSES ARE TRUE TO THE BEST OF MY
3 KNOWLEDGE

4 SIGNED: _____

5 PROSPECTIVE JUROR

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

11 (B) ADDITIONS TO FORM.

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

14 COMMITTEE NOTE: This section is new language substituted for former CJ §
15 8-202(5)(i)1A, C, and E, 2, 3, and 4 and the first sentence of (ii), §
16 8-206(a)(2) and the reference to instructions in (1), and the former
17 references to space in § 8-210(f) and the third sentence of § 8-207(a), to
18 consolidate the various provisions as to a juror qualification form and to
19 incorporate by reference the qualifications under former CJ § 8-207(b) see
20 revised CJ § 8-103 to ensure comity between the statutory criteria and
21 requirements as to the form. The substitution also avoids the circuitry of
22 setting forth the form and then requiring it to be set forth in the jury plan.

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

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

27 The substitution adds space for entry of a date of birth and a check-off for
28 exemption based on age, to facilitate implementation of revised CJ §
29 8-103(a)(1) and former CJ § 8-209(a)(2) now revised CJ § 8-306(1), which
30 date adulthood from the date of selection as a prospective juror and allow
31 exemption for an individual over 70 years.

32 The substitution adds the question as to citizenship for consistency with
33 provisions such as former CJ §§ 8-102(b) and 8-207(b)(1) now revised CJ
34 §§ 8-102(a) and 8-103(a)(2).

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

1 The substitution also uses references to crimes "punishable by
 2 imprisonment exceeding ~~1 year~~ 6 months" instead of the former references
 3 to a "criminal offense other than a minor traffic offense (i.e., one
 4 punishable by a fine of \$500 or less or imprisonment for six months or
 5 less)", to be consistent with ~~the requirement for federal jury duty under 28~~
 6 ~~U.S.C. §§ 1865(b)(5) and 1869 and, thereby, to avoid a dual standard in~~
 7 ~~Maryland in initial screening but adds a reference to the date of conviction~~
 8 ~~and current status to reflect the addition of revised CJ § 8-103(c).~~

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

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

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

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

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

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

23 Defined terms: "Jury plan" § 8-101

24 "Prospective juror" § 8-101

25 8-303. ALTERATION OF FORM.

26 WHENEVER IT SEEMS TO A JURY COMMISSIONER THAT THERE IS AN
 27 AMBIGUITY, ERROR, OR OMISSION IN A PERSON'S JUROR QUALIFICATION FORM, THE
 28 JURY COMMISSIONER SHALL RETURN THE FORM TO THE PERSON, WITH
 29 INSTRUCTIONS TO MAKE EACH NEEDED ADDITION AND OTHER CHANGE,
 30 ACKNOWLEDGE ALL OF THE CHANGES, AND RETURN THE FORM TO THE JURY
 31 COMMISSIONER WITHIN 10 DAYS AFTER RECEIPT.

32 COMMITTEE NOTE: This section is new language derived from former CJ §
 33 8-206(a)(3) and revised to clarify that the decision that a form "seems"
 34 incomplete is a jury commissioner's.

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

1 A requirement for acknowledgment is added to allow enforcement should a
2 change be false.

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

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

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

7 8-304. INTERVIEW.

8 (A) SUMMONS.

9 WHENEVER A PERSON FAILS TO RETURN A COMPLETED JUROR QUALIFICATION
10 FORM AS INSTRUCTED, A JURY COMMISSIONER MAY SUMMONS THE PERSON TO
11 APPEAR BEFORE THE JURY COMMISSIONER OR JURY JUDGE.

12 (B) CONDUCT.

13 WHENEVER A PERSON APPEARS UNDER THIS SECTION, A JURY COMMISSIONER
14 OR JURY JUDGE:

15 (1) MAY REQUIRE THE PERSON TO COMPLETE, SIGN, AND
16 ACKNOWLEDGE A JUROR QUALIFICATION FORM IN THE PRESENCE OF THE JURY
17 COMMISSIONER; AND

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

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

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

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

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

36 In subsection (a) of this section, reference to a "jury judge" is added for

1 consistency to subsection (b) of this section. See revised CJ § 8-204.

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

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

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

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

11 8-305. ADDITIONAL QUESTIONING.

12 WHENEVER A PERSON APPEARS FOR JURY SERVICE, A JURY COMMISSIONER OR
13 JURY JUDGE:

14 (1) MAY REQUIRE THE PERSON TO COMPLETE, SIGN, AND
15 ACKNOWLEDGE A JUROR QUALIFICATION FORM IN THE PRESENCE OF THE JURY
16 COMMISSIONER; AND

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

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

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

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

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

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

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

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

3 8-306. BASES FOR EXEMPTIONS.

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

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

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

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

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

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

15 Item (2) of this section is new and added to reflect the referenced 2 U.S.C.
16 § 30a, which bars requiring jury service "whether such service is requested
17 by judicial summons or by some other means of compulsion".

18 Item (3) of this section is new and added to reflect the referenced 10 U.S.C.
19 § 982, which enables a Secretary to exempt active duty members of the
20 armed forces. Implementing regulations appear in 32 C.F.R. Parts 144 and
21 516, pursuant to DoD Directive 5525.8.

22 Item (4) of this section is new language substituted for former CJ §
23 8-209(a)(1), which provided for exemption on certification of membership
24 alone. The referenced PS § 13-218 is added to narrow the exemption for
25 militia members, to be more consistent with the exemption for active
26 armed force members.

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

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

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

1 8-307. RESERVED.

2 8-308. RESERVED.

3 PART II. QUALIFIED JURORS.

4 8-309. QUALIFIED JUROR.

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

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

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

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

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

18 8-310. QUALIFIED JUROR POOL.

19 (A) SELECTION.

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

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

28 (B) POOL.

29 NAMES SELECTED UNDER THIS SECTION CONSTITUTE A QUALIFIED JUROR
30 POOL.

31 (C) ALLOCATION BETWEEN GRAND AND TRIAL JURIES.

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

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

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

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

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

13 Subsection (c)(1) of this section is new language substituted for former CJ
14 § 8-208(a)(2) and (3), as to assignment to a grand or trial jury, in light of
15 former CJ § 8-202(4) now revised CJ § 8-209.

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

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

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

24 Also in subsection (a)(1) of this section, the former phrase "at random" is
25 deleted as unnecessary in light of former CJ § 8-102(a) now revised CJ §
26 8-104.

27 Also in subsection (a)(1) of this section, the former references to a "clerk"
28 are deleted, and in subsection (a)(2) of this section, the newly defined term
29 "jury commissioner" is substituted for the former, incomplete reference to
30 the "clerk of the court", to conform to former CJ § 8-202(1) now revised CJ
31 § 8-205 which imposed duties in connection with jury selection on a jury
32 commissioner or clerk acting as such.

33 The introductory phrase of subsection (a)(2) of this section, "[s]ubject to §
34 8-421 of this title", is added to reflect that, under the referenced provision,
35 a trial judge may dispense with minimum arrays with the consent of the
36 parties.

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

1 In subsection (c)(2) of this section, reference to a "jury plan" is substituted
2 for the former exception, "except as provided in subsection (c) of this
3 section", to reflect recodification of former CJ § 8-209(c) now revised CJ §
4 8-216 with other provisions as to plans.

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

9 Former Public Local Laws, Art. 1 [Allegany County], § 53-4, which set a
10 4-year limit for a "juror", and former Public Local Laws, Art. 12 [Garrett
11 County], § 58-6, which set a 2-year limit for "a grand or petit juror", are
12 deleted.

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

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

15 "Jury plan" § 8-101

16 "Qualified juror" § 8-101

17 8-311. SUPPLEMENTAL QUESTIONNAIRE.

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

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

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

26 "Qualified juror" § 8-101

27 8-312. RESERVED.

28 8-313. RESERVED.

29 PART III. RECORDS.

30 8-314. RECORDS.

31 (A) DOCUMENTATION.

32 A JURY COMMISSIONER SHALL DOCUMENT EACH ADDITION OR OTHER CHANGE
33 TO INFORMATION PROVIDED UNDER THIS SUBTITLE AND EACH DECISION WITH
34 REGARD TO DISQUALIFICATION, EXEMPTION, OR EXCUSAL FROM, OR
35 POSTPONEMENT OF, JURY SERVICE.

1 (B) TRANSMITTAL.

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

4 (C) RETENTION.

5 THE JURY COMMISSIONER OF A COUNTY SHALL KEEP EACH RECORD THAT THE
6 JURY COMMISSIONER HAS USED IN CONNECTION WITH THE JURY SERVICE IN
7 ACCORDANCE WITH THE RECORDS RETENTION AND DISPOSAL SCHEDULE OF THE
8 COUNTY.

9 COMMITTEE NOTE: Subsections (a) and (b) of this section are new language
10 derived from the second sentence of former CJ § 8-206(c) and, except for
11 the references to "space", § 8-210(f) and the third and fourth sentences of
12 § 8-207(a).

13 Subsection (c) of this section is new language substituted for former CJ §
14 8-212(a), which set minimum periods for retention, in order to allow
15 keeping of records in accordance with the general retention schedule and
16 to encompass aspects of jury service in addition to selection. As to
17 schedules, see, e.g., Md. Rule 16-818 and General Retention Schedule No.
18 2330 (effective October 25, 2005).

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

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

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

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

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

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

32 "Jury plan" § 8-101

1 SUBTITLE 4. JURIES.

2 PART I. IN GENERAL.

3 8-401. SUMMONS.

4 (A) ISSUANCE AND SERVICE.

5 WHENEVER A GRAND OR TRIAL JURY IS NEEDED, A JURY COMMISSIONER
6 SHALL:

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

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

9 (B) ADDRESS.

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

12 (C) INSTRUCTION WITH JUROR QUALIFICATION FORM.

13 A SUMMONS SENT TO AN INDIVIDUAL WITH A JUROR QUALIFICATION FORM
14 SHALL INSTRUCT THE INDIVIDUAL TO REPORT FOR JURY SERVICE UNLESS A JURY
15 COMMISSIONER INSTRUCTS OTHERWISE.

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

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

24 Subsection (c) of this section is new language derived from former CJ §
25 8-208.1(b) and revised to clarify that the instruction is to be included on a
26 summons.

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

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

34 In subsection (a)(1) of this section, reference to "qualified jurors in the

1 number needed" is substituted for the former reference to "each person
2 drawn for jury service", for brevity and consistency with the requirement
3 for allocation of qualified jurors see revised CJ § 8-209 and the
4 responsibility, under revised CJ § 8-310(a), to determine the needed
5 number.

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

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

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

11 "Jury plan" § 8-101

12 "Qualified juror" § 8-101

13 8-402. DISQUALIFICATION, EXCUSAL, OR EXEMPTION FROM OR POSTPONEMENT OF
14 DUTY.

15 (A) AUTHORIZED.

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

20 (B) DISQUALIFICATION.

21 AN INDIVIDUAL MAY BE DISQUALIFIED ONLY ON THE BASIS OF INFORMATION
22 PROVIDED ON A JUROR QUESTIONNAIRE OR DURING AN INTERVIEW OR OTHER
23 COMPETENT EVIDENCE.

24 (C) EXCUSAL.

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

29 (2) AN INDIVIDUAL MAY BE EXCUSED:

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

32 (II) NOT MORE THAN TWICE UNLESS THE JURY JUDGE FINDS THAT
33 THE INDIVIDUAL HAS SHOWN AN EXTRAORDINARY CIRCUMSTANCE THAT REQUIRES
34 AN ADDITIONAL EXCUSE.

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

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

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

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

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

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

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

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

19 "Jury plan" § 8-101

20 8-403. MULTIPLE SERVICE.

21 AN INDIVIDUAL MAY NOT BE REQUIRED TO SERVE SIMULTANEOUSLY:

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

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

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

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

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

33 8-404. DISQUALIFICATION BY TRIAL JUDGE.

34 (A) PARTY TO CIVIL SUIT.

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

4 (B) FROM PARTICULAR JURY.

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

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

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

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

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

16 A. THE INDIVIDUAL MAY BE UNABLE TO RENDER IMPARTIAL
17 JURY SERVICE;

18 B. THE INDIVIDUAL'S SERVICE LIKELY WOULD DISRUPT THE
19 PROCEEDING; OR

20 C. THE INDIVIDUAL'S SERVICE MAY THREATEN THE
21 SECRECY OF A PROCEEDING OR OTHERWISE AFFECT THE INTEGRITY OF THE JURY
22 DELIBERATIONS ADVERSELY.

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

26 (I) EACH REASON FOR THE STRIKE; AND

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

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

31 (C) CAPITAL CASE.

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

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

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

6 Subsection (b) of this section is new language derived from former CJ §
7 8-210(b) and (e), as the latter related to excusals under former CJ §
8 8-210(b).

9 Subsection (c) of this section is new language derived from former CJ §
10 8-210(c) and (e), as the latter related to excusal under former CJ §
11 8-201(c), and revised to cover belief in, as well as against, capital
12 punishment. See Witherspoon v. Illinois, 391 U.S. 510 (1968), and
13 Wainwright v. Witt, 469 U.S. 412 (1985). Accordingly, the former reference
14 to "a juror of the State" is deleted.

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

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

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

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

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

32 8-405. TEMPORARY EXCUSAL OF SWORN JURORS.

33 A TRIAL JUDGE MAY:

34 (1) EXCUSE A SWORN JUROR TEMPORARILY; AND

35 (2) ORDER THE SWORN JUROR TO RETURN:

36 (I) ON A SPECIFIC DAY; OR

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

3 COMMITTEE NOTE: This section is new language substituted for former CJ §
4 8-107(a) and (b), which provided for a "court" as then defined, a circuit
5 court to excuse jurors. Together with revised CJ § 8-215, the former
6 provisions are revised to apply to prospective, qualified, and sworn jurors,
7 but in the case of sworn jurors, the power is limited to a trial judge.

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

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

13 8-406. RESERVED.

14 8-407. RESERVED.

15 PART II. CHALLENGES.

16 8-408. IN CIVIL CASE.

17 (A) EXCLUSIVE PROCEDURE.

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

21 (B) MOTION.

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

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

29 (C) ACCESS TO RECORD.

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

33 (D) EVIDENCE.

1 A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS
2 ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION,
3 INCLUDING:

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

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

7 (E) DUTY OF TRIAL JUDGE.

8 (1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
9 § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY
10 THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

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

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

19 In subsection (a) of this section, reference to noncompliance with
20 requirements for summoning a jury are added to conform to Md. Rule
21 2-512(a) but the word "otherwise" is added to modify "selected", to clarify
22 that summoning is part of the overall selection process.

23 In the subsections (b)(1) and (e) of this section, references to a "trial" jury
24 are substituted for the former reference 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 2-512(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's 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".

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

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

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

7 8-409. IN CRIMINAL CASE.

8 (A) EXCLUSIVE PROCEDURE.

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

12 (B) MOTION.

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

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

21 (C) ACCESS TO RECORD.

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

25 (D) EVIDENCE.

26 A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS
27 ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION,
28 INCLUDING:

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

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

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

33 (1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH
34 § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY, THE JUDGE SHALL:

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

3 (II) DISMISS THE CHARGING DOCUMENT.

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 GRAND JURY
6 AND FINDS THE FAILURE LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE JUDGE
7 SHALL:

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

10 (II) DISMISS THE CHARGING DOCUMENT.

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

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

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

20 COMMITTEE NOTE: This section is new language derived without substantive
21 change from former CJ § 8-211(a), (c), and (d) and the first sentence of (e),
22 as they relates.

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

27 In subsection (a) of this section, reference to noncompliance with
28 requirements for summoning a jury are added to conform to Md. Rule
29 4-312(a) but the word "otherwise" is added to modify "selected", to clarify
30 that summoning is part of the overall selection process.

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

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

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

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

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

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

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

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

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

18 8-410. RESERVED.

19 8-411. RESERVED.

20 **PART III. GRAND JURY.**

21 8-412. NUMBER OF JURORS.

22 (A) NUMBER WHEN SWORN.

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

25 (B) EFFECT OF NONCOMPLETION OF SERVICE.

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

28 COMMITTEE NOTE: Subsection (a) of this section is new language derived
29 from the references to 23 grand jurors and filling of vacancies in Public
30 Local Laws, Art. 1 [Allegany County], § 53-3 and Public Local Laws, Art.
31 12 [Garrett County], § 58-4A and revised to apply statewide and to
32 provide for rules to govern alternate grand jurors.

33 Subsection (b) of this section is new and added to state expressly that the
34 failure of an individual grand juror to complete service does not affect the

1 jury or its actions. See, e.g., State v. McNay, 100 Md. 622 (1905) (excusal
2 from sworn grand jury does not invalidate indictment).

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

4 8-413. ADDITIONAL GRAND JURIES.

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

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

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

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

17 Defined term: "Jury plan" § 8-101

18 8-414. ATTENDEES.

19 (A) COURT REPORTER.

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

23 (B) INTERPRETER.

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

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

27 (1) THIS SUBSECTION APPLIES ONLY TO A GRAND JURY FOR BALTIMORE
28 CITY.

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

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

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

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

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

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

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

18 The first clause of the former Public Local Laws, Art. 1 [Allegany City], §
19 32-6G, which allowed a reporter to attend "upon and at the special request
20 of the circuit court for Allegany and Garrett counties", the former third
21 sentence of Public Local Laws, Art. 4 [Baltimore City], § 7-7, which
22 allowed a reporter to attend but "not ... when the grand jury votes on any
23 presentment or indictment", and former Public Local Laws, Art. 14
24 [Howard County], § 7.303, as it allowed a reporter to attend "[a]t every
25 session ... and whenever requested by the grand jury, or the State's
26 Attorney", are deleted.

27 8-415. OATHS.

28 (A) GRAND JUROR.

29 EACH GRAND JUROR SHALL TAKE AN OATH IN SUBSTANTIALLY THE
30 FOLLOWING FORM:

31 "I (SWEAR/AFFIRM) TO ACT DILIGENTLY AND ACCORDING TO MY BEST
32 UNDERSTANDING WITH REGARD TO ALL MATTERS BEFORE THE GRAND
33 JURY; EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR AS EXPRESSLY
34 AUTHORIZED BY LAW, NOT TO DISCLOSE WILLFULLY ANY EVIDENCE
35 GIVEN BEFORE THE GRAND JURY, ANYTHING THAT I OR ANOTHER GRAND
36 JUROR SAYS, OR MY OR ANY OTHER GRAND JUROR'S VOTE AS TO A
37 MATTER BEFORE THE GRAND JURY; AND NOT TO ACT OR REFUSE TO ACT
38 ON ANY MATTER BEFORE THE GRAND JURY DUE TO AFFECTION, MALICE,
39 OR OTHER EMOTION OR DUE TO REWARD OR HOPE OR PROMISE OF
40 REWARD."

41 (B) BAILIFF.

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

3 "I (SWEAR/AFFIRM) TO CARRY OUT MY DUTIES AS BAILIFF TO THE GRAND
4 JURY TO THE BEST OF MY ABILITY AND KNOWLEDGE; TO DELIVER
5 IMMEDIATELY AND WITHOUT ALTERATION ALL PAPERS AND OTHER
6 THINGS THAT THE GRAND JURY SENDS TO THIS COURT; AND NOT TO
7 DISCLOSE WILLFULLY ANY EVIDENCE GIVEN BEFORE THE GRAND JURY,
8 ANYTHING THAT A GRAND JUROR SAYS, OR ANY GRAND JUROR'S VOTE AS
9 TO A MATTER BEFORE THE GRAND JURY, EXCEPT AS LAWFULLY ORDERED
10 BY THIS COURT OR AS EXPRESSLY AUTHORIZED BY LAW."

11 (C) CLERK.

12 EACH GRAND JURY CLERK SHALL TAKE A WRITTEN OATH IN SUBSTANTIALLY
13 THE FOLLOWING FORM:

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

19 (D) COURT REPORTER.

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

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

31 (E) INTERPRETER.

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

34 "I (SWEAR/AFFIRM) TO INTERPRET ACCURATELY, COMPLETELY, AND
35 IMPARTIALLY AND, EXCEPT AS LAWFULLY ORDERED BY THIS COURT OR
36 AS EXPRESSLY AUTHORIZED BY LAW, NOT TO DISCLOSE KNOWINGLY ANY
37 INFORMATION OBTAINED WHILE SERVING IN THIS GRAND JURY
38 PROCEEDING."

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

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

9 The reference in subsection (a) of this section to "expressly authorized by
10 law" recognizes specific instances in which disclosure is allowed. E.g., CS
11 §§ 9-607 and 9-608 and the second clause of the former fourth sentence of
12 Public Local Laws, Art. 4 [Baltimore City], § 7-7 revised CJ § 8-417 as to
13 reports on investigations other than of correctional facilities. See also Md.
14 Rule 4-642(c).

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

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

22 The substitution also uses, in subsection (c) of this section, the word
23 "ordered" instead of the former word "appointed", to conform to revised CJ
24 § 2-503, which contemplates the designation of a grand jury reporter from
25 among court reporters regularly employed by or under contract with a
26 circuit court, instead of appointment by a jury judge or other circuit court
27 judge. As to a jury judge, see revised CJ § 8-204.

28 As to oaths administered to a witness before a grand jury, see revised CJ §
29 9-118.

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

31 8-416. RECORD.

32 (A) DUTY OF COURT REPORTER.

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

35 (B) TRANSCRIPT.

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

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

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

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

13 (C) USE.

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

16 (1) A RECORD OF TESTIMONY GIVEN BEFORE A GRAND JURY IS FOR THE
17 EXCLUSIVE USE AND BENEFIT OF THE GRAND JURY AND THE STATE'S ATTORNEY;
18 AND

19 (2) A COURT REPORTER MAY NOT:

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

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

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

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

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

1 Subsection (c)(1) of this section is new language derived from the reference
2 to use of testimony in former CJ § 2-503(a) and the references to a hearing
3 and written order in the second sentence of former Public Local Laws, Art.
4 1 [Allegany County], § 32-6G and the second sentence of former Public
5 Local Laws, Art. 16 [Montgomery County], § 12-23 and revised to apply
6 statewide.

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

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

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

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

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

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

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

27 8-417. BALTIMORE CITY INVESTIGATIONS AND REPORTS.

28 (A) SCOPE OF SECTION.

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

30 (B) INVESTIGATIONS.

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

33 (C) REPORTS.

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

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

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

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

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

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

22 8-418. RESERVED.

23 8-419. RESERVED.

24 PART IV. TRIAL JURY.

25 8-420. PEREMPTORY CHALLENGES IN CRIMINAL CASES.

26 (A) CAPITAL OR LIFE CASE.

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

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

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

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

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

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

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

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

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

12 (C) NONCAPITAL CASE - OTHER.

13 IN EVERY OTHER CRIMINAL TRIAL, EACH PARTY IS ALLOWED FOUR
14 PEREMPTORY CHALLENGES.

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

17 8-421. MINIMUM SIZE OF JURY AND ARRAY.

18 (A) CIVIL JURY.

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

21 (B) CIVIL ARRAY.

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

24 (C) CRIMINAL ARRAY.

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

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

29 Subsections (b) and (c) of this section are new language derived from
30 former CJ § 8-303 and revised in the active voice to state affirmatively
31 that the discretion to dispense is a trial judge's. See also revised CJ §
32 8-310(a)(2).

33 In subsections (b) and (c) of this section, the words "selecting an array" are
34 substituted for the former words "drawing of a panel", in light of the use of

1 computers and conformity to Md. Rules 2-512(a) and 4-312(a).

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

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

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

7 8-422. SEPARATION OR SEQUESTRATION.

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

10 COMMITTEE NOTE: This section is new language derived from former CJ §
11 8-304 and revised in the active voice to state expressly that the decision is
12 the trial judge's.

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

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

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

22 8-423. RESERVED.

23 8-424. RESERVED.

24 PART V. REIMBURSEMENT.

25 8-425. "PER DIEM" DEFINED.

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

30 COMMITTEE NOTE: This section is new language substituted for former CJ §
31 8-106(a).

32 The substitution of "per diem" for "day" as the defined term avoids
33 confusion with day as used in other contexts and emphasizes that the
34 practice has been to treat the amount received as reimbursement instead

1 of compensation.

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

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

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

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

11 "Prospective juror" § 8-101

12 "Qualified juror" § 8-101

13 8-426. AMOUNT.

14 (A) BASIC.

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

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

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

20 (B) TRIAL JUROR.

21 A TRIAL JUROR IS ENTITLED:

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

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

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

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

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

1 In the introductory language of subsection (a) of this section, reference to
2 being "in ... proximity to" court is added for consistency to former CJ §
3 8-106(a) revised CJ § 8-425.

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

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

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

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

16 As to a county-employed juror accepting or retaining fees, see, e.g.: revised
17 Public Local Laws, Art. 5 [Calvert County], § 86-4-501; Public Local
18 Laws, Art. 7 [Carroll County], § 48-33A; Public Local Laws, Art. 8 [Cecil
19 County], § A277-60B; Public Local Laws, Art. 9 [Charles County], §
20 197-12; Public Local Laws, Art. 13 [Harford County], § 38-38I(2); Howard
21 County employment manual (2/1/05) at 111; and Public Local Laws, Art. 18
22 [Queen Anne's County], § 27-91F(1).

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

24 "Per diem" § 8-425

25 8-427. LOCAL LEVY AND SUPPLEMENT.

26 (A) MINIMUM SUPPLEMENT.

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

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

34 (B) COUNTY BUDGET.

35 THE GOVERNMENT OF EACH COUNTY SHALL LEVY AND APPROPRIATE FOR
36 EACH FISCAL YEAR THE AMOUNT NEEDED TO PAY THE STATE PER DIEM, PENDING
37 REIMBURSEMENT BY THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE
38 COUNTY SUPPLEMENT, IF ANY.

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

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

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

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

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

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

22 Defined term: "Per diem" § 8-425

23 8-428. STATE BUDGET.

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

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

29 The phrases "for each fiscal year" and "during the year" are added for
30 clarity.

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

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

34 Defined term: "Per diem" § 8-425

1 8-429. CERTIFICATE OF JURY COMMISSIONER.

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

6 COMMITTEE NOTE: This section is new and added to provide documentation
7 needed to be paid (see, e.g., Public Local Laws, Art. 8 [Cecil County], §
8 A277-60B, revised Public Local Laws, Art. 9 [Charles County], §
9 27-7(b)(2), revised Public Local Laws, Art. 11 [Frederick County], §
10 2-5-1, and revised Public Local Laws, Art. 16 [Montgomery County], §
11 12-6).

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

13 "Jury commissioner" § 8-101

14 "Prospective juror" § 8-101

15 "Qualified juror" § 8-101

16 8-430. DONATION.

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

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

22 Defined terms: "Jury plan" § 8-201

23 "Per diem" § 8-425

24 "Prospective juror" § 8-101

25 "Qualified juror" § 8-101

26 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

27 8-501. EMPLOYMENT LOSS.

28 (A) PROHIBITED ACT.

29 AN EMPLOYER MAY NOT DEPRIVE AN INDIVIDUAL OF EMPLOYMENT OR
30 COERCE, INTIMIDATE, OR THREATEN TO DISCHARGE AN INDIVIDUAL BECAUSE THE
31 INDIVIDUAL LOSES EMPLOYMENT TIME IN RESPONDING TO A SUMMONS UNDER
32 THIS TITLE OR ATTENDING, OR BEING IN PROXIMITY TO, A CIRCUIT COURT FOR JURY
33 SERVICE UNDER THIS TITLE.

34 (B) PENALTY.

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

1 COMMITTEE NOTE: This section is new language derived from former CJ §§
2 8-105(a) and 8-401(a).

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

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

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

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

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

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

17 8-502. LEAVE.

18 (A) PROHIBITED ACT.

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

22 (B) PENALTY.

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

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

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

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

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

33 As to other laws governing leave, see, e.g., Public Local Laws, Art. 2 [Anne
34 Arundel County], Art. 8 § 1-305; Baltimore County Personnel Rules, Title
35 8, Rule 24.02; Public Local Laws, Art. 5[Calvert County], §§ 86-4-501

1 and 86-4-1101; Public Local Laws, Art. 7 [Carroll County], § 48-33;
2 Public Local Laws, Art. 8 [Cecil County], § A277-60; Public Local Laws,
3 Art. 9 [Charles County], § 197-12; Public Local Laws, Art. 13 [Harford
4 County], § 38-38(I); Howard County Employment Manual (2/1/05) at 111;
5 and Public Local Laws, Art. 17 [Prince George's County] § 16-222(a)(1).

6 8-503. FAILURE TO RETURN COMPLETED JUROR QUALIFICATION FORM.

7 (A) PROHIBITED ACT.

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

10 (B) SHOW CAUSE.

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

13 (C) PENALTIES.

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

17 COMMITTEE NOTE: This section is new language derived from former CJ §
18 8-401(b), as it related to return of forms.

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

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

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

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

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

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

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

3 8-504. FAILURE TO APPEAR FOR JURY SERVICE.

4 (A) PROHIBITED ACT.

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

7 (B) SHOW CAUSE.

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

10 (C) PENALTIES.

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

14 COMMITTEE NOTE: This section is new language derived from former CJ §
15 8-401(b), as it related to appearance for jury service.

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

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

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

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

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

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

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

1 8-505. FAILURE TO COMPLETE JURY SERVICE.

2 (A) PROHIBITED ACT.

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

5 (B) SHOW CAUSE.

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

8 (C) PENALTIES.

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

12 COMMITTEE NOTE: This section is new language derived from former CJ §
13 8-401(b), as it related to failure to complete jury service.

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

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

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

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

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

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

32 8-506. MATERIAL MISREPRESENTATION.

33 (A) PROHIBITED ACT.

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

4 (B) PENALTIES.

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

8 COMMITTEE NOTE: This section is new language derived from former CJ §
9 8-401(c).

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

12 In subsection (b) of this section, the phrase "guilty of a misdemeanor" is
13 added to state expressly that which was only implied in the former law. In
14 this State, any crime that was not a felony at common law and has not
15 been declared to be a felony by statute is considered to be a misdemeanor.
16 See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md.
17 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v.*
18 *State*, 4 Md. App. 342, 347 (1968).

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

21 8-507. GRAND JURY SECRECY.

22 (A) PROHIBITED ACT.

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

24 (B) PENALTIES.

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

28 (C) REPORTS.

29 THIS SECTION DOES NOT PREVENT:

30 (1) A GRAND JURY FROM SUBMITTING A REPORT AS REQUIRED BY LAW;
31 OR

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

1 COMMITTEE NOTE: Subsections (a), (b), and (c)(2) of this section are new
 2 language derived without substantive change from former CJ §§
 3 2-503(b)(2) and 8-213.

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

9 In subsection (b) of this section, the phrase "guilty of a misdemeanor" is
 10 added to state expressly that which was only implied in the former law. In
 11 this State, any crime that was not a felony at common law and has not
 12 been declared to be a felony by statute is considered to be a misdemeanor.
 13 See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md.
 14 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v.*
 15 *State*, 4 Md. App. 342, 347 (1968).

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

19 Former Public Local Laws, Art. 1 [Allegany County], § 32-6H, former
 20 Public Local Laws, Art. 14 [Howard County], § 7.306, former Public Local
 21 Laws, Art. 16 [Montgomery County], § 12-24, and the second clause of the
 22 former fourth sentence of Public Local Laws, Art. 4 [Baltimore City], §
 23 7-7, which created similar offenses for court reporter of the respective
 24 jurisdiction and the City's grand jury clerk and provided, except in Howard
 25 County, identical penalties, are deleted as unnecessary.

26 9-118.

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

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

31 **Article - Election Law**

32 3-506. COPIES OF LIST.

33 (A) PROVIDING - REGISTERED VOTER.

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

36 (I) A WRITTEN APPLICATION; AND

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

- 3 1. COMMERCIAL SOLICITATION; OR
4 2. ANY OTHER PURPOSE NOT RELATED TO THE ELECTORAL
5 PROCESS.

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

- 8 (I) THE TIME FOR A LIST TO BE PROVIDED UNDER THIS
9 SUBSECTION;
10 (II) THE AUTHORIZATION TO BE REQUIRED FOR PROVIDING A LIST;
11 (III) THE FEE TO BE PAID FOR PROVIDING A LIST;
12 (IV) THE INFORMATION TO BE INCLUDED ON A LIST;
13 (V) THE FORMAT OF THE INFORMATION; AND
14 (VI) THE MEDIUM OR MEDIA ON WHICH THE INFORMATION IS TO BE
15 PROVIDED.

16 (B) PROVIDING - JURY COMMISSIONER.

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

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

23 (C) PROHIBITED ACT AND PENALTIES.

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

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

Article - Labor and Employment

1 3-709. JURY SERVICE.

2 AN EMPLOYEE HAS THE DUTIES AND RIGHTS SET FORTH:

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

5 (2) WITH RESPECT TO JURY SERVICE IN A FEDERAL COURT, IN 28 U. S. C.
6 § 1861 ET SEQ.

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

Article - Public Safety

10 13-218. JURY SERVICE.

11 THE MILITARY DEPARTMENT SHALL ADOPT REGULATIONS FOR EXEMPTION OF
12 A MEMBER OF THE ORGANIZED MILITIA FROM STATE JURY SERVICE THAT WOULD
13 UNREASONABLY INTERFERE WITH THE PERFORMANCE OF THE MEMBER'S MILITARY
14 DUTIES OR AFFECT ADVERSELY THE READINESS OF THE ACTIVITY, COMMAND, OR
15 UNIT TO WHICH THE MEMBER IS ASSIGNED.

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

Article - Transportation

20 ~~12-113. COPIES OF ADMINISTRATION RECORD.~~

21 (A) ~~PROVIDING.~~

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

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

28 (1) ~~PROVIDE, ANNUALLY OR ON REQUEST, THE INFORMATION
29 ABOUT HOLDERS OF DRIVER'S LICENSES AND IDENTIFICATION CARDS REQUIRED BY
30 JURY COMMISSIONERS TO CARRY OUT THEIR DUTIES UNDER TITLE 8 OF THE COURTS
31 ARTICLE; AND~~

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

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

5 (B) FEE.

6 (1) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,
7 ~~THE ADMINISTRATION MAY SET AND CHARGE A FEE FOR EACH RECORD IT PROVIDES~~
8 ~~OR CERTIFIES.~~

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

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

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

17 COMMITTEE NOTE: Ch. _____, Acts of 2006, which enacted revised CJ Title 8,
18 also repealed former TR § 12-113(a) and enacted this section, to add new
19 subsections (a)(2) and (3) and (b)(2), which is substituted for, or derived
20 without substantive change from, former CJ § 8-204(b)(1), and §
21 8-204(b)(2) and TR § 12-113(a)(3), and § 8-204(e), respectively. Former §
22 8-204(b) required MVA to allow a jury commissioner to access and copy
23 MVA lists, but in practice, data are provided from time to time
24 electronically. Stylistic changes also were made. Ch. _____ also renumbered
25 former TR § 12-113(b) as CJ § 10-106.

26 12-112.1.

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

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

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

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

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

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

3 ~~13-403.~~

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

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

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

14 ~~As to "include", see Art. 1, § 30 of the Code, and as to State citizenship, see~~
 15 ~~Moore v. Illinois, 55 U.S. 13, 14 How. 13, 1852 WL 6776, 14 L.Ed. 306~~
 16 ~~(1852).~~

17 ~~16-106.~~

18 (b) The application shall state:

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

22 ~~COMMITTEE NOTE: Ch. _____, Acts of 2006, which enacted revised CJ Title 8,~~
 23 ~~also amended subsection (b)(1) of this section to add the reference to~~
 24 ~~"citizenship", to facilitate implementation of the provisions of revised CJ §~~
 25 ~~8-206(b)(1), which requires use of MVA lists, and revised CJ § 8-103(a)(2),~~
 26 ~~which requires U. S. citizenship for jury service.~~

27 **Article 1 - Allegany County**

28 32-1.

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

1 authority to employ a stenographer or shorthand reporter to take down the
2 proceedings, including the testimony and opinion of the Court, for the use of the
3 Court, and the County Commissioners shall levy such compensation for the service of
4 said stenographer or shorthand reporters as the Court or Judge thereof shall approve.

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

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

13 **Article 4 - Baltimore City**

14 7-7.

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

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

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

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

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

1

Article 5 - Calvert County

2 86-4-501.

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

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

23

Article 9 - Charles County

24 27-7.

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

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

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

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

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

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

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

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

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

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

32 **Article 10 - Dorchester County**

33 10-21.

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

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

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

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

13 **Article 11 - Frederick County**

14 2-5-1.

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

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

27 **Article 12 - Garrett County**

28 58-2.

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

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

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

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

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

7 **Article 16 - Montgomery County**

8 12-3.

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

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

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

18 12-6.

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

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

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

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

1 12-21.

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

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

17 **Article 24 - Worcester County**

18 CJ 1-203.

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

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

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

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

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

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

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

35 SECTION ~~15~~. 15. AND BE IT FURTHER ENACTED, That all laws or parts of
36 laws, public general or public local, inconsistent with this Act, are repealed to the
37 extent of the inconsistency.

1 SECTION ~~48.~~ 16. AND BE IT FURTHER ENACTED, That the publisher of the
2 Annotated Code of Maryland, in consultation with and subject to the approval of the
3 Department of Legislative Services, shall correct, with no further action required by
4 the General Assembly cross references and terminology rendered incorrect by this Act
5 or by any other Act of the General Assembly of 2006 that affects provisions enacted by
6 this Act. The publisher shall adequately describe any such correction in an editor's
7 note following the section affected.

8 SECTION ~~49.~~ 17. AND BE IT FURTHER ENACTED, That the catchlines,
9 captions, and Committee Notes of the Jury Law Revision Subcommittee of the
10 Maryland Judicial Conference contained in this Act are not law and may not be
11 considered to have been enacted as part of this Act.

12 SECTION ~~20.~~ 18. AND BE IT FURTHER ENACTED, That the provisions of
13 Section(s) 8-201(c), 8-212(b) and (c), and 8-401(d) of Article - Courts and Judicial
14 Proceedings are not repealed under this Act until the effective date of the rules that
15 the Court of Appeals adopts in accordance with Section 8-105 of Article - Courts and
16 Judicial Proceedings as enacted by this Act.

17 SECTION ~~24.~~ 19. AND BE IT FURTHER ENACTED, That, subject to the
18 provisions of Section ~~20~~ 18 of this Act, this Act shall take effect October 1, 2006.