

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 796

(Chairman, Judicial Proceedings Committee)
(By Request – Maryland Judicial Conference)

Judicial Proceedings

Judiciary

Jury Selection and Service

This bill makes several alterations to the jury selection and service statutes.

Fiscal Summary

State Effect: General fund revenues would increase to the extent the penalties provided in this bill are imposed in District Court. The amount depends on the number of prosecutions and convictions.

Local Effect: For reasons stated above, local revenues from penalties imposed in circuit courts would increase. Local expenditures decrease to the extent summons and communications are sent electronically, instead of by regular mail, and increase to the extent jury commissioners have to provide juror lists to the Director of the Health Claims Arbitration Office.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill makes several procedural, administrative, and stylistic changes to the jury selection and service laws to account for changes since the last major review of these statutes. Some of the bill's changes are listed below.

- *Juror Qualifications.* The bill specifies the qualifications for prospective jurors. An individual qualifies for jury service if the individual: (1) is an adult as of the

day selected as a prospective juror; (2) is a citizen of the United States; and (3) resides in the county as of the day sworn as a juror.

- *Disqualification from Jury Service Because of Criminal History.* An individual is not qualified for jury service if the individual: (1) has been convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding six months and received a sentence of imprisonment for more than six months; or (2) has a charge pending, in a federal or state court of record, for a crime punishable by imprisonment exceeding six months.

An individual disqualified from jury service because of a past criminal conviction may still qualify for jury service if the individual is pardoned.

- *Military Service.* The bill exempts active duty members of the armed forces from jury service if they are exempted under federal law.
- *Donation of Juror Pay.* The bill provides for statutory authorization of programs that allow jurors to donate their per diem to worthy local programs. These donation programs must be included in the jurisdiction's jury plan and are subject to approval by the Court of Appeals.
- *Access to Information About Prospective Jurors.* The bill prohibits access to juror information unless permitted by rules promulgated by the Court of Appeals.
- *Roles of Officials in the Jury Selection and Service Process.* The bill clarifies what authority jury commissioners and jury judges have in the jury selection and jury service process.
- *Penalties.* The bill provides for the following penalties: (1) \$1,000 fine and/or 30 days of incarceration for failure to return a jury qualification form; (2) \$1,000 fine and/or 60 days of incarceration for failure to appear for jury service; and (3) \$1,000 fine and/or 90 days of incarceration for beginning but failing to complete jury service.
- *Information from the Motor Vehicle Administration (MVA).* The bill requires the MVA to provide a list of all individuals at least 18 years old who have been issued a driver's license or identification card by the MVA at no cost to jury commissioners on request, but not less than annually.

- *Technological Developments.* The bill updates current statutes to reflect changes in technology, and provides for electronic jury summons.

Current Law: An individual is qualified to be a prospective juror unless the individual is not constitutionally qualified to vote in the county where the court convenes.

An individual is permanently disqualified from jury service if the individual has been convicted of a crime punishable by a fine of more than \$500, imprisonment for more than six months, or both, and has received such a sentence. Individuals are also disqualified from jury service if they have a charge pending for a crime punishable by a fine of more than \$500, imprisonment for more than six months, or both. Current law does contain an exception for individuals who have been pardoned. Federal law prohibits individuals from serving on federal juries if the individual has a charge pending against him for the commission of, or has been convicted in a state or federal court of record of, a crime punishable by imprisonment for more than one year and the individual's civil rights have not been restored.

Maryland law exempts a member of the organized militia who is certified by the military department as a member and does not make a distinction between individuals who are performing military duties on the date of jury service and those who are not. Federal law exempts active duty members of the armed forces if the Secretary of Defense determines that jury service: (1) would unreasonably interfere with the performance of the member's military duties; or (2) would adversely affect the readiness of the unit, command, or activity to which the member is assigned.

Current law prohibits the contents of any papers or records used by the jury commissioner or clerk in connection with the jury selection process from being disclosed. Current law does not expressly state whether or not this information is accessible after an individual has completed jury service.

Current law does not expressly state what duties and decisions can be delegated by a jury judge to a jury commissioner.

Current law imposes a penalty of \$100 and/or three days of incarceration for failure to fill out a juror qualification form or failing to appear for or complete jury service.

The MVA must make a list of individuals who are at least 18 years old and have been issued a driver's license or identification card by the MVA to jury commissioners or clerks at any reasonable time at no cost.

Background: The last major review of the State’s jury laws occurred in 1968. At that time, voter registration rolls were the sole source for prospective juror pools. With the enactment of “motor voter” laws, jurisdictions can use motor vehicle license lists as a source of prospective jurors. Some jurisdictions have implemented programs that allow jurors to donate their per diems to local programs. One such program uses the donation to provide extra benefits to local children in foster care. Howard County reports that 40% of its jurors donate to its program.

The national daily average juror no-show rate ranges from 10% in rural areas to 50% in urban regions. In Maryland, the juror no-show rate varies by jurisdiction. Baltimore City had a 63% rate in 2005, Baltimore County had a 15% rate, and Montgomery County did not have a juror no-show problem.

Local Expenditures: Local jurisdictions may experience a decrease in expenditures to the extent summons and communications are sent electronically, instead of by regular mail. The Judiciary advises that pilot programs for electronic jury summons are expected in Baltimore City and Montgomery County. The bill provides that information about jurors (prospective or otherwise) may only be provided by custodians pursuant to rules adopted by the Court of Appeals. Currently, the disclosure of this information is governed by each jurisdiction’s jury plan. Local jurisdictions may experience an increase in expenditures to the extent jury commissioners have to provide juror lists to the Director of the Health Claims Arbitration Office. This provision is dependent on the Court of Appeals adopting rules affecting dissemination of juror lists.

Montgomery County advises that it will need to hire an additional person to prepare and manage voter registration lists to be used for prospective juror lists. The Department of Legislative Services disagrees with this assessment and believes any additional duties could be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: HB 1024 (Chairman, Judiciary Committee) (By Request – Maryland Judicial Conference) – Judiciary.

Information Source(s): Cecil County; Montgomery County; Prince George’s County; Harford County; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Carroll County; “The American Jury,” Janet Stidman Eveleth, *Maryland Daily Record*, Law Day Supplement, May 2, 2005; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2006
a/jr Revised - Updated Information - March 15, 2006
Revised - Senate Third Reader - March 29, 2006

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