

# HOUSE BILL 1108

E2  
HB 982/06 – JUD

71r2572

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By: **Delegate Sophocleus**

Introduced and read first time: February 14, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 12–401(g)  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume)

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

14 **Article – Courts and Judicial Proceedings**

15 12–401.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **DISTRICT COURT OR A CIRCUIT COURT, WAIVED THE DEFENDANT'S RIGHT TO A**  
2 **JURY TRIAL FOR THAT OFFENSE.**

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2007.