HOUSE BILL 407

E2 9lr0339

By: **Delegates McConkey, Frank, and Jennings**
Introduced and read first time: February 2, 2009
Assigned to: Judiciary

A BILL ENTITLED

1   AN ACT concerning

2   **Criminal Procedure – Jurors – Peremptory Challenges**

3   FOR the purpose of altering the number of peremptory challenges to jurors allowed to
4   each party in certain criminal trials.

5   BY repealing and reenacting, with amendments,
6   Article – Courts and Judicial Proceedings
7   Section 8–420
8   Annotated Code of Maryland
9   (2006 Replacement Volume and 2008 Supplement)

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

Article – Courts and Judicial Proceedings

13   8–420.

14   (a)   (1)   This subsection applies only in a criminal trial in which a
15   defendant is subject, on any single count, to:

16   (i)   A death sentence because the State has given notice of
17   intention to seek a death sentence in accordance with § 2–202 of the Criminal Law
18   Article; or

19   (ii)   A sentence of life imprisonment, including a case in which
20   the State has not given notice of intention to seek a death sentence in accordance with
21   § 2–202 of the Criminal Law Article but excluding a common law offense for which no
22   specific statutory penalty is provided.

23   (2)   Each defendant is allowed 20 peremptory challenges.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
    [Brackets] indicate matter deleted from existing law.

1   (3)   The State is allowed 10 peremptory challenges for each defendant.

2   (b)   (1)   This subsection applies only in a criminal trial in which a
3 defendant is subject, on any single count, to a sentence of at least 20 years, excluding a
4 case subject to subsection (a) of this section or a common law offense for which no
5 specific statutory penalty is provided.

6   (2)   Each defendant is allowed 10 peremptory challenges.

7   (3)   The State is allowed five peremptory challenges for each
8 defendant.

9   (c)   In every other criminal trial, each party is allowed **[**four**]** **TWO**
10 peremptory challenges.

11   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2009.