

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 374

(Senator Gladden)

Judicial Proceedings

Judiciary

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Baltimore City - Circuit Court - Grand Jury Investigation

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This bill alters the law relating to grand jury investigations in Baltimore City by requiring a grand jury to carry out an investigation *if* directed to by a judge of the circuit court, instead of *as* directed by a judge of the circuit court.

The bill only applies to a grand jury investigation in Baltimore City commenced on or after the bill's October 1, 2011 effective date.

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Fiscal Summary

**State Effect:** None. The bill only applies to Baltimore City and does not affect State finances.

**Local Effect:** None. The bill is technical and is not expected to have a material effect on Baltimore City finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** Each grand jury in Baltimore City must carry out an investigation as a judge of the circuit court directs. At the end of the period for which the grand jury sits, the grand jury must submit to the jury commissioner of the circuit court a report on each of its investigations and recommendations.

**Background:** The grand jury system dates back to English law at the time of settlement of the United States. Grand juries consist of 23 members plus alternates. Unlike a petit

jury which listens to evidence in a courtroom and decides the facts in a particular case, a grand jury decides if there is probable cause to charge someone with a crime, not whether the defendant is guilty or innocent. Grand juries are also authorized to conduct their own investigations. Grand juries do not hear both sides of the case; defendants and defense counsel do not participate in grand jury proceedings. Grand jury proceedings are held in secrecy and only authorized persons are allowed to be in the grand jury room. Grand jurors sit for a four-month term.

Under Maryland law, grand juries are also required to tour correctional facilities in their jurisdiction each year to investigate their operation and management.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2011  
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