

SENATE BILL 236

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9lr1752
CF HB 73

By: **Senators Carter and Smith**

Introduced and read first time: January 25, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2019

CHAPTER _____

1 AN ACT concerning

2 **Jury Service – Qualification Criteria – Criminal Conviction or Charge**

3 FOR the purpose of increasing the minimum length of time of a certain criminal sentence
4 or potential sentence that disqualifies an individual from jury service; making
5 conforming changes; and generally relating to jury service qualifications.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 8–103 and 8–302
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2018 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 8–103.

15 (a) Notwithstanding § 8–102 of this subtitle, an individual qualifies for jury
16 service for a county only if the individual:

17 (1) Is an adult as of the day selected as a prospective juror;

18 (2) Is a citizen of the United States; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (3) Resides in the county as of the day sworn as a juror.

2 (b) Notwithstanding subsection (a) of this section and subject to the federal
3 Americans with Disabilities Act, an individual is not qualified for jury service if the
4 individual:

5 (1) Cannot comprehend spoken English or speak English;

6 (2) Cannot comprehend written English, read English, or write English
7 proficiently enough to complete a juror qualification form satisfactorily;

8 (3) Has a disability that, as documented by a health care provider's
9 certification, prevents the individual from providing satisfactory jury service;

10 (4) Has been convicted, in a federal or State court of record, of a crime
11 punishable by imprisonment exceeding [6 months] **1 YEAR** and received a sentence of
12 imprisonment for more than [6 months] **1 YEAR**; or

13 (5) Has a charge pending, in a federal or State court of record, for a crime
14 punishable by imprisonment exceeding [6 months] **1 YEAR**.

15 (c) An individual qualifies for jury service notwithstanding a disqualifying
16 conviction under subsection (b)(4) of this section if the individual is pardoned.

17 8-302.

18 (a) In accordance with an agreement, if any, under § 8-213 of this title, a juror
19 qualification form in substantially the following form shall be provided to each prospective
20 juror:

21 Juror Qualification Form

22 Name:

23 Resident address:

24 Telephone: (home) _____ (work) _____ (cellular) _____

25 Age: _____ Date of Birth: _____

26 If you are over 70 years of age, do you wish to be exempted from jury services?
27 _____ Yes _____ No

28 U.S. Citizen? _____ Yes _____ No

29 Able to comprehend, read, speak, and write English? _____ Yes _____ No

1 Highest level of education completed:
 2 ___ high school ___ college ___ graduate school ___ other
 3 Occupation of prospective juror: _____
 4 Name of employer: _____
 5 Occupation of spouse, if any: _____
 6 Disability preventing satisfactory jury service? ___Yes ___No
 7 Do you want an accommodation under the federal Americans with Disabilities Act?
 8 ___Yes ___No
 9 Pending charge for a crime punishable by imprisonment exceeding [6 months] **1**
 10 **YEAR**? ___Yes ___No
 11 Conviction of crime punishable by imprisonment exceeding [6 months] **1 YEAR** and
 12 received a sentence of imprisonment for more than [6 months] **1 YEAR** and not
 13 legally pardoned? ___Yes ___No
 14 Date of Conviction _____
 15 ___Elected official of the federal Legislative Branch, as defined in 2 U.S.C. § 30a.
 16 ___Active duty member of armed forces exempted in accordance with 10 U.S.C. §
 17 982.
 18 ___Member of Maryland’s organized militia exempted in accordance with Public
 19 Safety Article § 13–218.
 20 Prior jury service within 3 preceding years: _____
 21 Form completed by me ___ Another (name) ___ and, if another, why?
 22 Under the penalties of perjury, the responses are true to the best of my knowledge
 23 Signed:_____

24 Prospective Juror

25 Individual completing form for prospective juror:

26 This form must be completed, signed, and returned to the jury commissioner within 10 days
 27 after receipt. Documentation for excusal due to disability, exemption based on armed forces

1 or militia service, pardons, and/or prior jury service must be attached.

2 (b) A juror qualification form for a county may include other questions as the
3 county's jury plan requires.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.