



Maryland State's Attorneys' Association

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BILL NUMBER: SB 827

POSITION: Opposed

The Maryland State's Attorneys' Association (MSAA) opposes Senate Bill 827, and urges this Committee to issue an unfavorable report.

While well-intentioned, the language of SB 827 will have unclear effects on the method juries are selected in Maryland. Primarily, MSAA is concerned with how much the language of SB 827 leaves open to interpretation the discretion trial judges enjoy – and have always enjoyed – to control the manner in which a jury is selected. The current goal of selecting a jury that can listen to the evidence and render an unbiased decision based exclusively on the facts and the law is well-served by the existing panoply of rules governing jury selection.

As the Supreme Court of Maryland has noted, the length of time it takes to select a jury is an important consideration – judicial economy and the efficient use of resources require judges, when deciding whether to ask a particular question voir dire question, to balance the associated expenditure of time with the likelihood that the question will reveal bias. The language of SB 827 is open to an interpretation that would require judges to focus nearly exclusively on the latter interest, greatly increasing the time required to select a jury at the risk of appellate reversal.

Judges are not currently prohibited from asking questions that would assist parties in the exercise of peremptory challenges – they are simply not required to. SB 827 would potentially change this (or, at least, could be interpreted by an appellate court to change this). MSAA supports methods by which parties can learn more about the potential jurors, but is concerned about the possibility that SB 827 would require courts to engage in protracted inquiry into the private lives of potential jurors, burden an already overburdened system by extending the duration of the jury selection process, and cause unnecessary appellate reversal based solely on the trial court's exercise of discretion to control inquiry encouraged by the language on lines 18 to 20 (despite the accused being afforded a constitutionally-sound jury selection process), and urges this Committee to issue an unfavorable report.