

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 74
Judiciary

(Delegate W. Fisher)

Courts - Jury Service - Disqualification

This bill alters the circumstances under which an individual may be disqualified from jury service. The bill repeals a provision that disqualifies an individual who has previously received a sentence of imprisonment for more than one year. Instead, an individual is not qualified for jury service if the individual has been convicted of a crime punishable by imprisonment exceeding one year and is *currently serving* the sentence imposed for the conviction, including a term of probation. The bill repeals, as obsolete, a provision providing that an individual with a disqualifying conviction who has been pardoned qualifies for jury service.

Fiscal Summary

State Effect: The bill does not materially affect the workload of the Judiciary or the Office of the Public Defender. State revenues are not affected.

Local Effect: The bill does not materially affect the workload of the circuit courts or State's Attorneys' offices. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Each adult citizen of the State has both the opportunity for jury service and, when summoned, the duty to serve. However, an individual is not qualified for jury service in specified circumstances, including if the individual has been convicted, in a federal or State court, of a crime punishable by imprisonment exceeding one year and received a sentence of imprisonment for more than one year. An individual who has a

charge pending in a federal or State court for a crime punishable by imprisonment exceeding one year is also not qualified for jury service. An individual with a disqualifying conviction who has been pardoned qualifies for jury service.

Additional Comments: For more information on the collateral consequences of a criminal conviction, including those that impact jury service, please see this 2021 [report](#).

Additional Information

Prior Introductions: SB 625 of 2021, as amended, passed the Senate and received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, HB 260, a similar bill, passed the House and passed the Senate as amended; however, differences in the versions of the bill passed in each chamber were not reconciled prior to the conclusion of the legislative session. HB 1213 of 2020, a similar bill, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. SB 921 of 2020, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 30 (Senator Carter) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2022
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