

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 827

(Senator Smith)

Judicial Proceedings

Judiciary

Courts and Judicial Proceedings - Jury Examination and Workgroup to Study
the Voir Dire Process

This bill specifies that the purpose of jury examination, in all jury trials in any State court, is to (1) identify and remove prospective jurors who are unable to serve fairly and impartially and (2) allow the parties to obtain information that may provide guidance for the use of peremptory challenges and challenges for cause. The bill also establishes a Workgroup to Study the Voir Dire Process – staffed by the Department of Legislative Services (DLS), the Judiciary, and the Office of the Attorney General (OAG) – to study the *voir dire* process and make findings and recommendations. A workgroup member may not receive compensation but is entitled to reimbursement for expenses. The workgroup must report its findings and recommendations to the Governor and the General Assembly by June 30, 2025. **The bill’s provisions related to the workgroup take effect July 1, 2024, and terminate June 30, 2025.**

Fiscal Summary

State Effect: DLS, the Judiciary, and OAG can staff the workgroup using existing budgeted resources. Any expense reimbursements for workgroup members are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not directly affect local government operations or finances.

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.

The Maryland Rules generally govern the procedures related to jury examination and challenges. Before the examination of qualified jurors, each party must be provided with a jury list containing specified information, including each juror's name, age, sex, education, occupation, and spouse's occupation.

The trial judge in a civil or criminal proceeding may permit the parties to conduct an examination of qualified jurors or may conduct the examination after considering questions proposed by the parties. If the judge conducts the examination, the judge may permit the parties to supplement the examination by further inquiry or may submit to the jurors additional questions proposed by the parties. The jurors' responses to any examination must be under oath. A party may challenge an individual qualified juror for cause; the challenge must be made and determined before the jury is sworn, or thereafter for good cause shown.

After the jury examination, the parties in a civil or criminal proceeding may exercise a peremptory challenge excluding a prospective juror without stating a reason. Parties are not limited in the number of challenges for cause they may exercise; however, each party has a specified number of peremptory challenges.

According to the Supreme Court of Maryland, in Maryland, *voir dire*, or jury examination, does not exist, even partially, for the purpose of supplying information to trial counsel that may guide them in the strategic use of their peremptory challenges. Furthermore, "*voir dire*'s sole purpose is to elicit specific cause for disqualification, not to aid in the intelligent use of peremptory strikes." See *Collins v. State*, 463 Md. 372, 404 (2019).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1079 (Delegate Phillips, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2024
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