

IN THE
CIRCUIT COURT FOR BALTIMORE CITY Jury

Plan for the Circuit Court for Baltimore City

I. Jury Judge - Cts. & Jud. Proc. § 8-204.

The grand and trial jury judges for the Circuit Court of Baltimore City (the “Court”) shall be the Administrative Judge of the Court or another Court judge(s) designated by the Administrative Judge.

II. Jury Commissioner and Acting Jury Commissioner - Cts. & Jud. Proc. § 8-205.

A. Jury Commissioner.

The jury commissioner for the Court shall be the clerk of the Court or an individual designated by a majority of the judges of the Court.

B. Acting Jury Commissioner.

(1) If the jury commissioner is temporarily unavailable or unable to perform duties, the trial jury judge shall designate an acting jury commissioner.

(2) In this plan, “jury commissioner” includes an acting jury commissioner.

III. Juror Selection.

A. Randomness - Cts. & Jud. Proc. § 8-104.

Each jury for the City of Baltimore (the “City”) shall be selected at random from a fair cross-section of the adult citizens of this State who reside in the City.

B. Restrictions on Exclusions - Cts. & Jud. Proc. § 8-102(b).

A citizen may not be excluded from jury service due to color, disability, economic status, national origin, race, religion, or sex.

C. Frequency of Service - Cts. & Jud. Proc. § 8-216.

Notwithstanding Cts. & Jud. Proc § 8-310(c)(2), an individual who serves on a jury for fewer than 5 days in a 3-year period may be summoned for jury service after 1 year.

D. Source Pool for Prospective Jurors - Cts. & Jud. Proc. §§ 8-206(a) and (b), and 8-213.

- (1) The source pool shall include the names of all of the adults on:
 - (i) a Statewide voter registration list no older than that used in the most recent general election as to residents of the City;
 - (ii) a list of holders of driver's licenses issued by the Maryland Motor Vehicle Administration to residents of the City; and
 - (iii) a list of holders of identification cards issued by the Maryland Motor Vehicle Administration to residents of the City.

This Section D does not preclude the use of technology and/or lists for removing duplicate or obsolete data, so long as new names are not added in the process.

- (2) The trial jury judge shall have the source pool compiled:
 - (i) by the jury commissioner;
 - (ii) with the agreement of the Administrative Office of the Courts or a person, for the Administrative Office or person.

E. Prospective Juror Pool - Cts. & Jud. Proc. §§ 8-206(c), 8-207, and 8-213.

- (1) To ensure that each jury is selected in accordance with the requirements of Title 8 of the Courts and Judicial Procedures Article, the jury commissioner is to have the names of prospective jurors selected from the most recent source pool as provided in this Section E.
- (2) The trial jury judge shall have the names of prospective jurors selected at least once a year and at additional times when the trial jury judge directs. The trial jury judge may order the jury commissioner to have additional names selected from the City's source pool as the trial jury judge considers necessary.
- (3) The minimum number of names to be selected from the source pool as prospective jurors shall be:
 - (i) at least 150 prospective jurors; and
 - (ii) at least 0.5% of the total number of names in the source pool unless this minimum percentage would be cumbersome and unnecessary.
- (4) The trial jury judge shall have the names selected randomly:
 - (i) by the jury commissioner;
 - (ii) with the agreement of the Administrative Office of the Courts or a person, for the Administrative Office or person.

F. Juror Qualification - Cts. & Jud. Proc. §§ 8-103, 8-106(c), 8-208, 8-210, 8-212, 8-213, 8-214, 8-215, 8-302, 8-402, and 8-404.

- (1) Everyone whose name is selected under Section E shall be sent a juror qualification form, which may include a summons. The form shall be sent:

- (i) by the jury commissioner,
 - (ii) with agreement of the Administrative Office of the Courts or a person, for the Administrative Office or person.
- (2) In addition to the questions set forth under Cts. & Jud. Proc. § 8-302(a), the juror qualification form shall ask for:
 - (iii) electronic mail address(es).
- (3) Qualification and summoning are set by a single procedure.
- (4) Qualification and summoning procedure employed shall be the following:
 - (i) Summonses for jury service shall be served:
 - 1. by first class United States Mail to address, and
 - 2. on failure to respond to service by mail, personally, by the Sheriff.
 - (ii) The trial jury judge shall have service effected:
 - 1. by the jury commissioner;
 - 2. with agreement of the Administrative Office of the Courts or a person, for the Administrative Office or person.
- (5) Based on the information provided on the juror qualification form or during an interview or other competent evidence, a jury judge shall:
 - (i) except as expressly provided otherwise in this Section F(6), decide all questions with regard to disqualifying, exempting, excusing, or postponing an individual from jury service;
 - (ii) decide all questions referred by the jury commissioner, and
 - (iii) act on a written request for review of the commissioner's decision as to disqualification, exemption, or postponement.
- (6) Based on the information provided on the juror questionnaire or during an interview or other competent evidence, the jury commissioner may:
 - (i) exempt an individual who is summoned for jury service:
 - 1. if the individual makes a written request for exemption as being 70 years old or older,
 - 2. while the individual is an elected official of the federal legislative branch, as defined in 2 U.S.C. § 30A;
 - 3. if the individual is an active duty member of the Armed Forces with documentation required under 10 U.S.C. § 982 and 32 C.F.R. Parts 144 and 516, pursuant to DOD Directive 525.8; or
 - 4. if the individual is a member of the organized militia with documentation required under Maryland Code, Public Safety Article, § 13-218;
 - (ii) decide whether an individual is disqualified from jury service because the individual:
 - 1. is not a United States citizen;

2. is not an adult on the day selected as a prospective juror,
3. is not a City resident;
4. cannot comprehend spoken English or speak English;
5. cannot comprehend written English, read English, or write English proficiently enough to complete a juror qualification form satisfactorily;
6. has a disability that, as documented by a health care provider's certification, prevents the individual from providing satisfactory jury service;
7. has been convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding 1 year and received a sentence of imprisonment for more than 1 year, and has not been pardoned;
8. has a charge pending, in a federal or State court of records, for a crime punishable by imprisonment for over 1 year; or
9. is dead.

(iii) reschedule jury service for an individual not more than twice unless as directed by the trial jury judge, there is a finding that the individual has shown an extraordinary circumstance that requires an additional excuse.

(7) Notwithstanding any authority granted under this Section F(6), the jury commissioner:

- (i) may refer a decision to the trial jury judge;
- (ii) shall inform the trial jury judge immediately after the jury commissioner becomes aware that a qualified juror was, is, or will be disqualified for jury service; and
- (iii) shall inform the trial jury judge and the grand jury judge immediately after the jury commissioner becomes aware that a sworn juror was, is, or will be disqualified for jury service.

(8) An individual may submit a written request for review of the jury commissioner's decision under this Section F(6).

G. Qualified Juror Pool - Cts. & Jud. Proc. §§ 8-207, 8-209, and 8-213.

(1) To ensure that each jury is selected in accordance with the requirements of Title 8 of the Courts and Judicial Procedures Article, the jury commissioner is to have the names of qualified jurors selected as provided in this Section G.

(2) The trial jury judge shall have the names of qualified jurors selected at intervals that the jury judge directs.

(3) The trial jury judge shall determine the minimum number of names to be selected based on the needs of the Court.

- (4) The trial jury judge shall have the names selected:
 - (i) by the jury commissioner,
 - (ii) with the agreement of the Administrative Office of the Courts or a person, for the Administrative Office or person.

- (5) From among the qualified jurors, without dictating sequence of selection:
 - (i) 23 names shall be selected to serve as grand jurors;
 - (ii) names shall be selected to serve as alternate grand jurors in the number required under the Maryland Rules; and
 - (iii) the rest shall be available for selection for additional grand juries and for trial juries.

IV. Access to Juror Information - Cts. & Jud. Proc. § 8-105.

Access to information about prospective, qualified, and sworn jurors is allowed only in accordance with rules that the Supreme Court of Maryland adopts. The following shall be provided:

- (1) Access to, copying of, and information needed for a challenge under Cts. & Jud. Proc. § 8-408 or § 8-409;
- (2) disclosure of information to the State Board of Elections as to individuals who have died, have moved, or are not citizens of the United States; and
- (3) disclosure of information to the State Motor Administration as needed to correct data that the administration provides.

V. Grand Jury Terms - Md. Rule 16-301.

- A. Term – Md. Rule 16-301.

Grand jury term shall begin on July 1st and end on the following June 30th.

- B. Additional Grand Juries - Cts. & Jud. Proc. § 8-413; Md. Rule 16-301(b)(2).

On petition of the State's Attorney, the Administrative Judge may summons one or more grand juries in addition to any grand jury serving under Section A. The term of service of any additional grand jury shall be determined by the Administrative Judge.

- C. Extending the Term of a Grand Jury – Md. Rule 16-301(b)(3).

On motion of the State's Attorney, the Administrative Judge or the jury judge may enter an order extending the term of a grand jury or additional grand jury so that it may complete an investigation specified by the judge in the order. During an extension, the grand jury shall continue until it concludes its investigation or is sooner discharged by the judge but is limited to the investigation specified in the order.

VI. Grand Jury Forepersons - Cts. & Jud. Proc. § 8-211.

The foreperson of each grand jury shall be the individual selected by the grand jury judge.

VII. Donation Program - Cts. & Jud. Proc. §§ 8-217 and 8-430.

A. Authorization.

Prospective, qualified, and sworn jurors may be asked to donate their State *per diems* and City supplements (if any) to the Department of Social Services' Foster Care Program.

B. Account.

The Administrative Judge shall superintend the establishment of an account into which donations are to be paid and withdrawals are to be made in accordance with appropriate accounting procedures.

C. Materials.

During juror orientation a jury commissioner may distribute to qualified jurors material that:

- (1) describes the donation program and the recipient of the donations;
- (2) is prepared by the recipient of the donations; and
- (3) has been approved by the trial jury judge.

VIII. Show Cause - Cts. & Jud. Proc. §§ 8-503(b), 8-504(b), and 8-505(b).

A. Order.

The trial jury judge may order a person who violates any provision of Cts. & Jud. Proc. § 8-503, § 8-504, or § 8-505 to show cause for each violation.

B. Hearing.

The trial jury judge, or another judge designated by the Administrative Judge, shall decide all issues pertaining to show cause orders issued under Section A. A person who fails to show good cause for a violation may be subject to fines and penalties as described in Cts. & Jud. Proc. § 8-503, § 8-504, or § 8-505.

IX. Revision Date Endnote.

In accordance with the *Administrative Order on Non-Substantive Modifications to Jury Plans*, issued by the Court of Appeals of Maryland on March 26, 2021, this Jury Plan, issued April 29, 2024, has been updated from its last iteration, issued April 1, 2021, to reflect proper format and citation to pertinent statutes and rules cited therein.