

“Jury plan” § 8-101

“Qualified juror” § 8-101

8-402. DISQUALIFICATION, EXCUSAL, OR EXEMPTION FROM OR POSTPONEMENT OF DUTY.

(A) AUTHORIZED.

SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A JURY JUDGE OR, IF A COUNTY'S JURY PLAN ALLOWS, ITS JURY COMMISSIONER MAY DISQUALIFY, EXCUSE, OR EXEMPT AN INDIVIDUAL WHO IS SUMMONED FOR JURY SERVICE OR POSTPONE JURY SERVICE.

(B) DISQUALIFICATION.

AN INDIVIDUAL MAY BE DISQUALIFIED ONLY ON THE BASIS OF INFORMATION PROVIDED ON A JUROR QUESTIONNAIRE OR DURING AN INTERVIEW OR OTHER COMPETENT EVIDENCE.

(C) EXCUSAL.

(1) TO BE EXCUSED, AN INDIVIDUAL SHALL SHOW, ON A JUROR QUESTIONNAIRE, DURING AN INTERVIEW, OR BY OTHER COMPETENT EVIDENCE, THAT EXTREME INCONVENIENCE, PUBLIC NECESSITY, OR UNDUE HARDSHIP REQUIRES EXCUSAL.

(2) AN INDIVIDUAL MAY BE EXCUSED:

(I) ONLY FOR THE PERIOD THAT THE JURY JUDGE OR JURY COMMISSIONER CONSIDERS NECESSARY; AND

(II) NOT MORE THAN TWICE UNLESS THE JURY JUDGE FINDS THAT THE INDIVIDUAL HAS SHOWN AN EXTRAORDINARY CIRCUMSTANCE THAT REQUIRES AN ADDITIONAL EXCUSE.

(3) WHEN THE PERIOD SET UNDER THIS SUBSECTION EXPIRES, A JURY COMMISSIONER AGAIN SHALL SUMMON THE INDIVIDUAL FOR JURY SERVICE.

COMMITTEE NOTE: Subsections (a) through (b)(2), (c)(2)(i), and (b)(3) of this section are new language derived from former CJ § 8-210(a) and the first and second sentences of § 8-207(a) are revised to apply to exemption and postponement and to allow a jury commissioner to act as individuals if a jury plan so allows. See revised CJ § 8-215.

Subsection (c)(2)(ii) of this section is new and added to prevent complete avoidance of jury service.

In subsections (a) through (c) of this section, the word “individual” is substituted for the former word “person” to emphasize that only a natural being qualifies for jury service. As to “person”, see Art. 1, § 15 of the Code.

Subsection (c)(3) of this section is revised in the active voice to state expressly that which only was implied in former CJ § 8-210(a) that a jury