

(III) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BY A TRIAL JUDGE WHO FINDS THAT:

A. THE INDIVIDUAL MAY BE UNABLE TO RENDER IMPARTIAL JURY SERVICE;

B. THE INDIVIDUAL'S SERVICE LIKELY WOULD DISRUPT THE PROCEEDING; OR

C. THE INDIVIDUAL'S SERVICE MAY THREATEN THE SECRECY OF A PROCEEDING OR OTHERWISE AFFECT THE INTEGRITY OF THE JURY DELIBERATIONS ADVERSELY.

(3) A TRIAL JUDGE MAY NOT STRIKE AN INDIVIDUAL UNDER PARAGRAPH (2)(III)C OF THIS SUBSECTION, UNLESS THE JUDGE STATES ON THE RECORD:

(I) EACH REASON FOR THE STRIKE; AND

(II) A FINDING THAT THE STRIKE IS WARRANTED AND NOT INCONSISTENT WITH §§ 8-102(A) AND (B) AND 8-104 OF THIS TITLE.

(4) AN INDIVIDUAL STRUCK UNDER THIS SUBSECTION MAY SERVE ON ANOTHER JURY FOR WHICH THE BASIS FOR THE STRIKE IS IRRELEVANT.

(C) CAPITAL CASE.

(1) A TRIAL JUDGE MAY STRIKE AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S BELIEF FOR OR AGAINST CAPITAL PUNISHMENT ONLY IF THE JUDGE FINDS THAT THE BELIEF WOULD PREVENT OR SUBSTANTIALLY IMPAIR THE INDIVIDUAL FROM RETURNING AN IMPARTIAL VERDICT ACCORDING TO LAW.

(2) AN INDIVIDUAL STRUCK UNDER THIS SUBSECTION MAY SERVE ON ANOTHER JURY FOR WHICH THE BASIS FOR THE STRIKE IS IRRELEVANT.

COMMITTEE NOTE: Subsection (a) of this section is new language derived from former CJ § 8-207(b)(7) and revised to allow disqualification, rather than make it automatic, and only "while" the entitlement lasts.

Subsection (b) of this section is new language derived from former CJ § 8-210(b) and (e), as the latter related to excusals under former CJ § 8-210(b).

Subsection (c) of this section is new language derived from former CJ § 8-210(c) and (e), as the latter related to excusal under former CJ § 8-201(c), and revised to cover belief in, as well as against, capital punishment. See Witherspoon v. Illinois, 391 U.S. 510 (1968), and Wainwright v. Witt, 469 U.S. 412 (1985). Accordingly, the former reference to "a juror of the State" is deleted.

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.