

In the subsections (b)(1) and (e) of this section, references to a "trial" jury are substituted for the former reference to a "petit" jury, in accordance with the Council on Jury Use and Management's preference for language more understandable to the public.

In subsection (b)(1) of this section, reference to challenges after a jury is sworn is added to conform to Md. Rule 2-512(a).

Also in subsection (b)(1) of this section, the term "voir dire", which formerly modified "examination", is deleted in accordance with the Council on Jury Use and Management's recommendation as the term "is unnecessary and mystifying to potential jurors, litigants and other lay people".

Subsection (c) of this section is revised to state expressly that the decision on access is the trial judge's.

In subsection (d) of this section, the former references to a "clerk" are deleted as unnecessary in light of the newly defined term "jury commissioner".

In subsection (e) of this section, reference to a "trial judge" is substituted for the former references to a "court" as then defined, a circuit court to avoid the inference that a majority of the judges of a circuit court must concur.

As to "including", see Art. 1, § 30 of the Code.

Defined term: "Jury commissioner" § 8-101

#### 8-409. IN CRIMINAL CASE.

##### (A) EXCLUSIVE PROCEDURE.

THIS SECTION SETS FORTH THE EXCLUSIVE PROCEDURE BY WHICH A PARTY IN A CRIMINAL CASE MAY CHALLENGE A JURY ON THE GROUND THAT THE JURY WAS NOT SUMMONED OR OTHERWISE SELECTED IN COMPLIANCE WITH THIS TITLE.

##### (B) MOTION.

(1) BEFORE EXAMINATION BEGINS IN A CRIMINAL CASE OR, FOR GOOD CAUSE SHOWN, AFTER A JURY IS SWORN BUT BEFORE IT RECEIVES EVIDENCE, A PARTY MAY MOVE TO DISMISS A CHARGING DOCUMENT OR STAY THE CASE ON THE GROUND OF SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OF THIS TITLE IN SELECTING THE GRAND OR TRIAL JURY.

(2) A MOTION UNDER THIS SECTION SHALL CONTAIN A SWORN STATEMENT OF FACTS THAT, IF TRUE, WOULD CONSTITUTE A SUBSTANTIAL FAILURE TO COMPLY WITH THIS TITLE.

##### (C) ACCESS TO RECORD.