

ON A SHOWING THAT A PARTY NEEDS ACCESS TO A RECORD TO PREPARE FOR A HEARING ON A MOTION PENDING UNDER THIS SECTION, A TRIAL JUDGE MAY ALLOW THE PARTY TO INSPECT AND COPY A RECORD AS NEEDED TO PREPARE.

(D) EVIDENCE.

A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION, INCLUDING:

- (1) THE TESTIMONY OF THE JURY COMMISSIONER; AND
- (2) RELEVANT RECORDS, WHETHER OR NOT PUBLIC, THAT THE JURY COMMISSIONER USED.

(E) DUTY OF TRIAL JUDGE – GRAND JURY.

(1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY, THE JUDGE SHALL:

(I) STAY THE CASE PENDING SELECTION OF A GRAND JURY IN COMPLIANCE WITH THIS TITLE; OR

(II) DISMISS THE CHARGING DOCUMENT.

(2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A GRAND JURY AND FINDS THE FAILURE LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE JUDGE SHALL:

(I) STAY THE CASE PENDING SELECTION OF A GRAND JURY IN COMPLIANCE WITH THIS TITLE; OR

(II) DISMISS THE CHARGING DOCUMENT.

(F) DUTY OF TRIAL JUDGE – TRIAL JURY.

(1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

(2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY AND THE FAILURE IS LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE TRIAL JUDGE SHALL STAY THE PROCEEDING PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

COMMITTEE NOTE: This section is new language derived without substantive change from former CJ § 8-211(a), (c), and (d) and the first sentence of (e), as they related to criminal cases.

In subsections (a) and (b)(1) of this section, the word “party” is substituted for the former references to “the defendant or State’s Attorney, as the case may be” and “a person accused of a crime [or] the State’s Attorney”, to