

Defined term: "Qualified juror" § 8-101

8-422. SEPARATION OR SEQUESTRATION.

AT ANY TIME BEFORE OR AFTER SUBMISSION OF A CASE TO A JURY, A TRIAL JUDGE MAY ALLOW THE JURY TO SEPARATE OR BE SEQUESTERED.

COMMITTEE NOTE: This section is new language derived from former CJ § 8-304 and revised in the active voice to state expressly that the decision is the trial judge's.

Reference to "after" submission is added, reference to "be[ing] sequestered" is substituted for the former reference to "be[ing] kept in charge of proper officers", and the former word "criminal" is deleted, to conform to Md. Rules 2-511(c) and 4-311(c).

Reference to a "trial judge" is substituted for the former reference 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.

The former reference to "discretion" is deleted as surplusage in light of the word "may".

8-423. RESERVED.

8-424. RESERVED.

PART V. REIMBURSEMENT.

8-425. "PER DIEM" DEFINED.

IN THIS PART V OF THIS SUBTITLE, "PER DIEM" MEANS THE AMOUNT TO BE PAID FOR ALL OF THE TIME FROM MIDNIGHT THROUGH A 24-HOUR PERIOD FOR WHICH A CIRCUIT COURT REQUIRES A PROSPECTIVE, QUALIFIED, OR SWORN JUROR TO BE IN ATTENDANCE AT OR IN PROXIMITY TO THE CIRCUIT COURT.

COMMITTEE NOTE: This section is new language substituted for former CJ § 8-106(a).

The substitution of "per diem" for "day" as the defined term avoids confusion with day as used in other contexts and emphasizes that the practice has been to treat the amount received as reimbursement instead of compensation.

The substitution of "all of the time" for the former reference to the "length of time" reflects that the total period need not be consecutive.

The addition of the phrase "from midnight" reflects that the 24-hour period is during a single calendar day.

Reference to "prospective", "qualified", and "sworn" jurors is added to state expressly that those individuals called, but not selected, for jury service are included. Accordingly, the former phrase "in which the juror has been called as a juror" is deleted.