

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.

In subsections (a), (b)(2) through (4), and (c)(1) of this section, references to a "trial" judge and to "strik[ing]" an individual are substituted for the former reference to the individual being "excused" or "disqualified, excused, or excluded" by "the court" then defined as a "circuit court" to distinguish actions of a bench, jury commissioner, or jury judge.

Former CJ § 8-210(d), which limited disqualification, excusal, or exemption of a "person or class of person" from jury service to the means set out in former CJ § 8-210, is deleted as surplusage and, in light of the provisions for peremptory challenges in Md. Rules 2-512 and 4-312, as inaccurate.

Former CJ § 8-302, which enabled a circuit court to strike names remaining because a party failed to strike enough of an array and provided for construction of this power, is deleted as unnecessary.

As to "county", see Art. 1, § 14 of the Code.

#### 8-405. TEMPORARY EXCUSAL OF SWORN JURORS.

##### A TRIAL JUDGE MAY:

(1) EXCUSE A SWORN JUROR TEMPORARILY; AND

(2) ORDER THE SWORN JUROR TO RETURN:

(I) ON A SPECIFIC DAY; OR

(II) ON A DATE AND AT A TIME THAT THE TRIAL JUDGE OR JURY

COMMISSIONER DIRECTS.

COMMITTEE NOTE: This section is new language substituted for former CJ § 8-107(a) and (b), which provided for a "court" as then defined, a circuit court to excuse jurors. Together with revised CJ § 8-215, the former provisions are revised to apply to prospective, qualified, and sworn jurors, but in the case of sworn jurors, the power is limited to a trial judge.

The substitution also omits the former reference to jury terms, as