

(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 encompass cases that, e.g., the Attorney General prosecutes.

In subsection (a) of this section, reference to noncompliance with requirements for summoning a jury are added to conform to Md. Rule 4-312(a) but the word "otherwise" is added to modify "selected", to clarify that summoning is part of the overall selection process.

In subsections (b)(1) and (e)(1)(ii) and (2)(ii) of this section, the term "charging document" is substituted for the former, more limited term "indictment", as an information can be used in a circuit court case.

In subsections (b)(1) and (f) of this section, references to a "trial" jury are substituted for the former references 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 4-312(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 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 subsections (e) and (f) of this section, references to a "trial judge" are 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 "include", see Art. 1, § 30 of the Code.

Defined term: "Jury commissioner" § 8-101