

8-410. RESERVED.

8-411. RESERVED.

PART III. GRAND JURY.

8-412. NUMBER OF JURORS.

(A) NUMBER WHEN SWORN.

WHEN SWORN, A GRAND JURY SHALL CONSIST OF 23 GRAND JURORS PLUS ADDITIONAL ALTERNATE GRAND JURORS AS PROVIDED IN THE MARYLAND RULES.

(B) EFFECT OF NONCOMPLETION OF SERVICE.

THE FAILURE OF A GRAND JUROR TO SERVE FOR THE ENTIRE PERIOD OF SERVICE DOES NOT INVALIDATE THE GRAND JURY OR ANY OF ITS ACTIONS.

COMMITTEE NOTE: Subsection (a) of this section is new language derived from the references to 23 grand jurors and filling of vacancies in Public Local Laws, Art. 1 [Allegany County], § 53-3 and Public Local Laws, Art. 12 [Garrett County], § 58-4A and revised to apply statewide and to provide for rules to govern alternate grand jurors.

Subsection (b) of this section is new and added to state expressly that the failure of an individual grand juror to complete service does not affect the jury or its actions. See, e.g., State v. McNay, 100 Md. 622 (1905) (excusal from sworn grand jury does not invalidate indictment).

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

8-413. ADDITIONAL GRAND JURIES.

IN ADDITION TO ANY GRAND JURY THAT A JURY PLAN FOR A COUNTY REQUIRES FOR A SET PERIOD, ON PETITION OF A STATE'S ATTORNEY, THE COUNTY ADMINISTRATIVE JUDGE MAY SUMMONS ONE OR MORE GRAND JURIES.

COMMITTEE NOTE: This section is new language derived without substantive change from former CJ § 8-108.

The introductory language of this section, "[i]n addition to any grand jury that a jury plan ... requires for a set period", is added to clarify the period for which a grand jury is additional.

The word "county" is substituted for the former phrase "of the circuit court of a county", to distinguish this administrative judge from the circuit administrative judge. See Md. Rule 16-101c and d and, as to "county", Art. 1, § 14 of the Code.

Defined term: "Jury plan" § 8-101

8-414. ATTENDEES.

(A) COURT REPORTER.