

(a) In a criminal case, before the voir dire examination begins, the defendant or State's Attorney, as the case may be, may move to dismiss the indictment or stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.

(b) In a civil case, before the voir dire examination begins, any party may move to stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the petit jury.

(c) After a motion is filed under subsection (a) or (b) of this section, containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with the provisions of this title, the moving party is entitled to present the testimony of the jury commissioner or clerk, any relevant records and papers not public or otherwise available used by the jury commissioner or clerk, and any other relevant evidence in support of his motion.

8-212.

(a) After the master jury wheel is emptied and refilled in accordance with § 8-202(2)(ii) of this subtitle, and after every person selected to serve as a juror before the master wheel was emptied has completed his service, all records and papers compiled and maintained by the jury commissioner or clerk before the master wheel was emptied shall be preserved in the custody of the clerk or the jury commissioner for four years or for a longer period if ordered by the circuit court of a county.

(b) Until the master jury wheel has been emptied and refilled in accordance with § 8-202(2) of this subtitle and every person who is selected to serve as a juror before the master wheel was emptied has completed his service, the contents of any records or papers used by the jury commissioner or clerk in connection with the jury selection process may not be disclosed, except as necessary for the [preparation] SUPPORT of a motion FILED under § 8-211(a), (b), or (c) of this subtitle. The parties in a case may inspect [, reproduce,] and copy these records or papers at any reasonable time during the [preparation and] pendency of the motion UPON A SHOWING THAT THE INSPECTION AND COPYING IS NECESSARY TO PREPARE FOR A HEARING ON THE MOTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 26, 1994

The Honorable Casper R. Taylor, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker: