

CHAPTER 204

(House Bill 320)

AN ACT concerning

Civil Proceeding – Size of Jury

FOR the purpose of providing that the parties to any civil proceeding in which the right to a jury trial is preserved are entitled to a trial by jury of at least 6 jurors; providing that the Constitution of Maryland does not prohibit a trial by jury of less than 12 jurors in a civil proceeding in which the right to a jury trial is preserved; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Constitution of Maryland

Declaration of Rights

Article 5

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Constitution of Maryland read as follows:

Declaration of Rights

Article 5.

(A) That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First to Caecilius Calvert, Baron of Baltimore.

(B) THE PARTIES TO ANY CIVIL PROCEEDING IN WHICH THE RIGHT TO A JURY TRIAL IS PRESERVED ARE ENTITLED TO A TRIAL BY JURY OF AT LEAST 6 JURORS.

~~(B)~~ (C) THAT NOTWITHSTANDING THE COMMON LAW OF ENGLAND, NOTHING IN THIS CONSTITUTION PROHIBITS TRIAL BY JURY OF LESS THAN 12 JURORS IN ANY CIVIL PROCEEDING IN WHICH THE RIGHT TO A JURY TRIAL IS PRESERVED.