

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 800

Short Title: Grand Jury Invest./Prosecutor Training Study. (Public)

Sponsors: Representative D. Hall (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE GRAND JURY CAN BE CONVENED AND TO AUTHORIZE THE OFFICE OF GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WHETHER THE STATE'S LAW SCHOOLS SHOULD OFFER CLINICS AND CLASSES FOR EDUCATION AND TRAINING OF FUTURE PROSECUTORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-622 reads as rewritten:

"§ 15A-622. Formation and organization of grand juries; other preliminary matters.

...

(h) A written petition for convening of grand jury under this section may be filed by the district attorney, the district attorney's designated assistant, or a special prosecutor requested pursuant to G.S. 114-11.6, with the approval of a committee of at least three members of the North Carolina Conference of District Attorneys, and with the concurrence of the Attorney General, with the Clerk of the North Carolina Supreme Court. The Chief Justice shall appoint a panel of three judges to determine whether to order the grand jury convened. A grand jury under this section may be convened if the three-judge panel determines that:

- (1) The petition alleges the commission of or a conspiracy to commit ~~a violation of G.S. 90-95(h) or G.S. 90-95.1, any of the crimes listed in subsection (i) of this section,~~ any part of which violation or conspiracy occurred in the county where the grand jury sits, and that persons named in the petition have knowledge related to the identity of the perpetrators of those crimes but will not divulge that knowledge voluntarily or that such persons request that they be allowed to testify before the grand jury; and
- (2) The affidavit sets forth facts that establish probable cause to believe that the crimes specified in the petition have been committed and reasonable grounds to suspect that the persons named in the petition have knowledge related to the identity of the perpetrators of those crimes.

The affidavit shall be based upon personal knowledge or, if the source of the information and basis for the belief are stated, upon information and belief. The panel's order convening the grand jury as an investigative grand jury shall direct the grand jury to investigate the crimes and persons named in the petition, and shall be filed with the Clerk of the North Carolina Supreme Court. A grand jury so convened retains all powers, duties, and responsibilities of a grand jury under this Article. The contents of the petition and the affidavit shall not be disclosed. Upon



1 receiving a petition under this subsection, the Chief Justice shall appoint a panel to determine
2 whether the grand jury should be convened as an investigative grand jury.

3 A grand jury authorized by this subsection may be convened from an existing grand jury or
4 grand juries authorized by subsection (b) of this section or may be convened as an additional
5 grand jury to an existing grand jury or grand juries. Notwithstanding subsection (b) of this
6 section, grand jurors impaneled pursuant to this subsection shall serve for a period of 12
7 months, and, if an additional grand jury is convened, 18 persons shall be selected to constitute
8 that grand jury. At any time for cause shown, the presiding superior court judge may excuse a
9 juror temporarily or permanently, and in the latter event the court may impanel another person
10 in place of the juror excused.

11 (i) An investigative grand jury may be convened pursuant to subsection (h) of this
12 section if the petition alleges the commission of, attempt to commit or solicitation to commit,
13 or a conspiracy to commit any of the following:

14 (1) A violation of G.S. 90-95(h) or G.S. 90-95.1.

15 (2) A violation of Article 29, 30, or 30A of Chapter 14 of the General Statutes
16 (relating to bribery, obstructing justice, and secret listening), G.S. 14-228
17 (buying and selling of offices), G.S. 14-230 (failing to discharge duties),
18 G.S. 14-234 (public officers or employees benefiting from public contracts),
19 or G.S. 14-234.1 (misuse of confidential information).

20 (3) A violation of G.S. 14-90 (embezzlement of property received by virtue of
21 office or employment), G.S. 14-100 (obtaining property by false pretenses),
22 G.S. 14-118.4 (extortion), or G.S. 14-119 (forgery of notes, checks, and
23 other securities; counterfeiting of instruments).

24 (4) A violation of Article 20, 22, or 22A of Chapter 163 of the General Statutes
25 (relating to absentee ballots, corrupt practices and other offenses against the
26 elective franchise, and regulation of contributions and expenditures in
27 political campaigns).

28 (5) A violation of G.S. 14-254 (malfeasance of corporation officers and
29 agents)."

30 **SECTION 2.(a)** The Office of the General Administration of The University of
31 North Carolina shall study whether the law schools at the State's public universities should
32 offer clinics and classes for education and training of future prosecutors.

33 **SECTION 2.(b)** The Office of General Administration of The University of North
34 Carolina shall report its findings and any recommended legislation to the General Assembly
35 and to the Joint Legislative Education Oversight Committee on or before April 1, 2014.

36 **SECTION 3.** This act is effective when it becomes law.