

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 908
Committee Substitute Favorable 5/14/13
Third Edition Engrossed 5/14/13

Short Title: White Collar Crime Investigation.

(Public)

Sponsors:

Referred to:

April 15, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE
3 GRAND JURY CAN BE CONVENED.

4 The General Assembly of North Carolina enacts:

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

6 "§ 15A-622. Formation and organization of grand juries; other preliminary matters.

7 ...

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

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

26 The affidavit shall be based upon personal knowledge or, if the source of the information
27 and basis for the belief are stated, upon information and belief. The panel's order convening the
28 grand jury as an investigative grand jury shall direct the grand jury to investigate the crimes and
29 persons named in the petition, and shall be filed with the Clerk of the North Carolina Supreme
30 Court. A grand jury so convened retains all powers, duties, and responsibilities of a grand jury
31 under this Article. The contents of the petition and the affidavit shall not be disclosed. Upon
32 receiving a petition under this subsection, the Chief Justice shall appoint a panel to determine
33 whether the grand jury should be convened as an investigative grand jury.

34 A grand jury authorized by this subsection may be convened from an existing grand jury or
35 grand juries authorized by subsection (b) of this section or may be convened as an additional



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

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

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

11 (2) A violation of Article 29 or 30 of Chapter 14 of the General Statutes
12 (relating to bribery and obstructing justice), G.S. 14-228 (buying and selling
13 of offices), G.S. 14-230 (failing to discharge duties), or G.S. 14-234 (public
14 officers or employees benefiting from public contracts).

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

19 (4) A violation of G.S. 14-254 (malfeasance of corporation officers and
20 agents)."

21 **SECTION 2.** This act becomes effective October 1, 2013.