

PROPOSED BALLOON AMENDMENT TO HB 2182

Amend the bill on page two, after line 20, by adding the following new subsection (c)(4):

(4) After a grand jury is summoned pursuant to this subsection, but before it begins deliberations, the judge or judges of the district court of the county in which the petition is presented shall provide instructions to the grand jury regarding its conduct and deliberations, which instructions shall include but not be limited to the following:

- (i) You have been impaneled as a grand jury pursuant to a citizens' petition filed in this court, signed by (insert number) qualified electors of this county, stating (insert the subject matter described in the petition, including a reasonably specific identification of the areas to be inquired into and the allegations sufficient to warrant a finding that the grand jury's inquiry may lead to information which, if true would warrant a true bill of indictment). You are charged with making inquiry with regard to this subject matter and determining whether the facts support allegations warranting a true bill of indictment.
- (ii) The person filing the citizen's petition must be the first witness you call for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.
- (iii) You may, with the approval of this court, employ special counsel and investigators, and incur such other expense for services and supplies as you and this court deem necessary. Any special counsel or investigator you employ shall be selected by a majority vote of your grand jury. You may make such selection only after hearing testimony from the person who filed the citizens' petition. You may utilize the services of any special counsel or investigator you employ instead of or in addition to the services of the prosecuting attorney.
- (iv) If any witness duly summoned to appear and testify before you fails or refuses to obey, compulsory process will be issued by this court to enforce the witness' attendance.
- (v) If any witness appearing before you refuses to testify or to answer any questions asked in the course of the witness' examination, you shall communicate that fact to this court in writing, together with a statement regarding the question the witness refuses to answer. This court will determine and inform you of whether the witness is bound to answer or not. However, no witness appearing before you can be compelled to incriminate himself or herself.
- (vi) Any person may approach either you or the prosecuting attorney and request to testify or retestify in the inquiry before you, or to otherwise appear before you. If such a person approaches you, you shall keep a record of all denials of such requests you have issued, including the reasons for not allowing such person to testify or appear. If the person making such a request to you is dissatisfied with your decision denying him or her the right to appear or testify, such person may petition this court for a hearing on your denial. If this court grants the hearing, then we may permit the person to appear or testify before you if we find that such appearance or testimony would serve the interests of justice.
- (vii) At the conclusion of your inquiry and determination, you will return either a no bill of indictment or a true bill of indictment.

HOUSE JUDICIARY

DATE: 2/26/13

ATTACHMENT 1