

H.B. 189

GRAND JURY AMENDMENTS

Representative **Merrill F. Nelson** proposes the following amendments:

1. *Page 6, Line 182 through Page 7, Line 200:*

182 ~~[(3) When]~~ (5) (a) If the attorney general, a county attorney, a district attorney, a
183 municipal attorney, or a special prosecutor appointed under Section 77-10a-12 [certifies in
184 writing to the supervising judge that in his judgment] determines that a grand jury is necessary
185 because of criminal activity in the state, the attorney general, county attorney, district attorney,
186 municipal attorney, or special prosecutor shall certify the necessity for a grand jury, in writing,
187 to the supervising judge.

188 (b) If the panel finds that good cause exists for a matter certified under Subsection
189 (5)(a), the panel shall order a grand jury to be summoned [if the panel finds good cause exists].

190 (c) (i) The panel shall { ~~find good cause exists~~ } order a grand jury to be summoned when
the matter certified under
191 Subsection (5)(a) concerns:

192 (A) alleged public corruption involving an offense under Title 76, Chapter 8, Part 1,
193 Corrupt Practices, or Part 2, Abuse of Office; or

194 (B) the alleged use of deadly force by a law enforcement officer.

195 (ii) For all other matters certified to the panel under Subsection (5)(a), the panel shall
196 determine whether good cause exists in accordance with Subsection (6).

197 ~~[(4)]~~ (6) In determining whether good cause exists under Subsection ~~[(3)]~~ (4) or (5), the
198 panel shall consider, among other factors, whether a grand jury is needed to help maintain
199 public confidence in the impartiality of the criminal justice process.

200 ~~[(5)]~~ (7) A written certification under Subsection ~~[(3)]~~ (5)(a) shall contain a statement