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## HOUSE BILL NO. 1384

House Amendments in [ ] - February 6, 2008

A BILL to amend and reenact §§ 19.2-194, 19.2-207, and 19.2-215.4 of the Code of Virginia, relating to selection of grand jury membership.

Patron Prior to Engrossment—Delegate Janis

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-194, 19.2-207, and 19.2-215.4 of the Code of Virginia are amended and reenacted as follows:**

§ 19.2-194. When and how grand jurors to be selected and summoned; lists to be delivered to clerk.

The judge or judges regularly presiding in the circuit court of each county and city shall annually, in the month of June, July, or August, select from citizens of the county or city at least 60 persons and not more than 120 persons 18 years of age or over, of honesty, intelligence, *disinterest in outcome*, [ *impartiality* ] and good demeanor and suitable in all respects to serve as grand jurors, who, except as hereinafter provided, shall be the grand jurors for the county or city from which they are selected for the next 12 months. The judge or judges making the selection shall at once furnish to the clerk of the circuit court a list of those selected for that county or city.

The clerk, not more than 20 days before the commencement of each term of his court at which a regular grand jury is required, shall issue a venire facias to the sheriff of his county or city, commanding him to summon not less than five nor more than nine of the persons selected as aforesaid (the number to be designated by the judge of the court by an order entered of record) to be named in the writ to appear on the first day of the court to serve as grand jurors. No such person shall be required to appear more than once until all the others have been summoned once, nor more than twice until the others have been twice summoned, and so on. The Circuit Court of James City County, or the judge thereof in vacation, shall select the grand jurors for each court from such county and the City of Williamsburg in such proportion from each as he may think proper.

Any person who has legal custody of and is responsible for a child 16 years of age or younger or a person having a mental or physical impairment requiring continuous care during normal court hours shall be excused from jury service upon his request.

§ 19.2-207. Composition of a special grand jury.

Special grand juries shall consist of not less than seven and not more than ~~eleven~~ 11 members, and shall be summoned from a list prepared by the court. Members of a special grand jury shall possess the same qualifications as those prescribed for members of a regular grand jury, *including [ honesty, intelligence, disinterest in outcome, impartiality, good demeanor and suitability in all respects to serve as grand jurors disinterest in outcome ]*. The court shall appoint one of the members as foreman.

§ 19.2-215.4. Number and qualifications of jurors; grand jury list; when convened; compensation of jurors.

A. A multi-jurisdiction grand jury shall consist of not less than seven nor more than ~~eleven~~ 11 members. Each member of a multi-jurisdiction grand jury shall be a citizen of this Commonwealth, ~~eighteen~~ 18 years of age or older, and a resident of this Commonwealth for one year and of one of the jurisdictions named in the application for six months.

B. The presiding judge shall determine the number of grand jurors to be drawn and shall draw them so that, to the extent practicable, each of the jurisdictions named in the application is represented by at least one juror residing in that jurisdiction, but in no event shall said panel have more than ~~eleven~~ 11 members. The grand jurors shall be summoned from a list prepared by the presiding judge. In the preparation of this list, the presiding judge shall select only persons who have been selected as regular grand jurors pursuant to the provisions of § 19.2-194 in the jurisdiction named in the application. *Members of a multijurisdiction grand jury shall possess the same qualifications as those prescribed for members of a regular grand jury, including [ honesty, intelligence, disinterest in outcome, impartiality, good demeanor and suitability in all respects to serve as grand jurors disinterest in outcome ]*.

C. The provisions of § 19.2-192 dealing with secrecy in grand jury proceedings are incorporated herein by reference.

D. The presiding judge shall determine the time, date and place within the designated jurisdiction where the multi-jurisdiction grand jury is to be convened. The presiding judge shall also appoint one of the grand jurors to serve as foreman. Members of the multi-jurisdiction grand jury shall be compensated according to the provisions of § 19.2-205. The expense of a multi-jurisdiction grand jury shall be borne

ENGROSSED

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**59** by the Commonwealth.