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HOUSE BILL NO. 1195

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 27, 2010)

(Patron Prior to Substitute—Delegate Griffith)

A BILL to amend and reenact §§ 19.2-215.2 and 19.2-215.3 of the Code of Virginia, relating to impanelment of multi-jurisdiction grand juries.

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-215.2 and 19.2-215.3 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-215.2. Application for such grand jury.

Provided the Attorney General has approved the application in writing prior to submission, application for a multi-jurisdiction grand jury may be made to the Supreme Court of Virginia by two or more attorneys for the Commonwealth from jurisdictions which would be within the original scope of the investigation. The application shall be in writing and shall state (i) which jurisdictions will be involved in the original scope of the investigation, (ii) in which jurisdiction it is requested that the multi-jurisdiction grand jury be convened, (iii) the name of the circuit court judge who is requested to preside over the grand jury, (iv) the name or names of the attorneys for the Commonwealth or their assistants who will serve as special counsel to the grand jury, ~~(iv)~~ and (v) the name of the attorney who shall direct the grand jury proceedings. The presiding judge may extend or limit the jurisdictional territory of the investigation, for good cause shown, upon the motion of a grand jury already convened. Notice of every such application shall be given to the attorneys for the Commonwealth in the jurisdictions named in the application and, if the original scope of the investigation is extended into other jurisdictions, notice of such extension shall be given to the attorneys for the Commonwealth in the jurisdictions into which the investigation is extended.

§ 19.2-215.3. When impaneled; impaneling order.

Upon application by two or more attorneys for the Commonwealth, the Chief Justice of the Supreme Court, or any justice designated by the Chief Justice, may within twenty days thereafter order the impaneling of a multi-jurisdiction grand jury for a term of twelve months. The term of such a grand jury may be extended for successive periods of not more than six months by the Chief Justice, or by any justice designated by the Chief Justice, upon the petition of a majority of the members of the grand jury.

The impaneling order shall appoint a judge of a circuit court from one of the jurisdictions named on the application as the presiding judge and shall designate the jurisdiction requested on the application as the jurisdiction where the multi-jurisdiction grand jury shall be convened and shall appoint a judge of the circuit court of that jurisdiction as the presiding judge. The impaneling order shall also designate special counsel and each special counsel who will assist the multi-jurisdiction grand jury as listed in the application. The presiding judge shall substitute or appoint additional special counsel upon motion of special counsel.