

LD8476843

HOUSE BILL NO. 2345

Offered January 23, 1995

A BILL to amend and reenact §§ 19.2-215.1, 19.2-215.2, 19.2-215.3 and 19.2-215.10 of the Code of Virginia, relating to multi-jurisdictional grand juries.

Patrons—Forbes, Albo, Callahan, Cox, Dudley, Harris, Ingram, Kilgore, Nixon, O'Brien, Wagner, Wardrup and Wilkins

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-215.1, 19.2-215.2, 19.2-215.3 and 19.2-215.10 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-215.1. Functions of a multi-jurisdiction grand jury.

The functions of a multi-jurisdiction grand jury are:

1. To investigate any condition which involves or tends to promote *criminal* violations of:

(i) ~~Title 18.2, Chapter 7, Articles 1 (§ 18.2-247 et seq.) and 1.1 (§ 18.2-265.1 et seq.), a. Title 10.1~~ for which punishment as a felony is authorized;

b. § 13.1-520;

c. §§ 18.2-47 and 18.2-48;

d. §§ 18.2-111 and 18.2-112;

e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;

f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;

g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;

h. Article 1 (§ 18.2-325 et seq.) and Article 1.1 (§ 340.1 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;

i. § 18.2-434, when violations occur before a multi-jurisdiction grand jury, ~~or (iii) subsection c of;~~

j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;

k. § 18.2-460 and for which punishment as a felony is authorized;

l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;

m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;

n. Chapter 4.2 (§ 59.1-68.6 et seq.) Title 59.1; and

o. Any other provision of law when such condition is discovered in the course of an investigation a multi-jurisdiction grand jury is otherwise authorized to undertake and to investigate any condition which involves or tends to promote any attempt, solicitation or conspiracy to violate such the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated and, when appropriate, to the Attorney General.

3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multi-jurisdiction grand jury.

§ 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 or, with the written consent of the attorneys for the Commonwealth from the jurisdictions within the scope of the investigation, the Attorney General may make application for a multi-jurisdiction grand jury. 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 or names of the attorneys for the Commonwealth or their assistants or the Attorney General or his assistants who will serve as special counsel to the grand jury, and (iv) 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

INTRODUCED

HB2345

60 extended.

61 § 19.2-215.3. When impaneled; impaneling order.

62 Upon application by two or more attorneys for the Commonwealth *or the Attorney General as*
63 *provided in § 19.2-215.2*, the Chief Justice of the Supreme Court, or any justice designated by the Chief
64 Justice, may within twenty days thereafter order the impaneling of a multi-jurisdiction grand jury for a
65 term of twelve months. The term of such a grand jury may be extended for successive periods of not
66 more than six months by the Chief Justice, or by any justice designated by the Chief Justice, upon the
67 petition of a majority of the members of the grand jury.

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

73 § 19.2-215.10. Participation by office of Attorney General; assistance of special counsel permitted in
74 certain prosecutions.

75 Upon request by the applicants ~~or~~, upon motion to the presiding judge by special counsel *or as*
76 *provided in § 19.2-215.2*, the ~~office~~ *Office* of Attorney General may participate as special counsel in the
77 multi-jurisdiction grand jury proceedings and any prosecutions arising therefrom. In any prosecution
78 arising out of the multi-jurisdiction grand jury, the attorney for the Commonwealth may also obtain the
79 assistance of the special counsel to the grand jury as a special assistant attorney for the Commonwealth.