

LD3950728

SENATE BILL NO. 124

Offered January 19, 1994

A BILL to amend and reenact §§ 19.2-206, 19.2-210 and 19.2-213.1 of the Code of Virginia, relating to special grand juries.

Patrons—Robb, Calhoun, Chichester, Norment and Potts

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-206, 19.2-210 and 19.2-213.1 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-206. When impanelled.

A. Special grand juries may be impanelled by a circuit court (i) at any time upon its own motion, or (ii) at any time upon motion of the Attorney General, or (iii) upon recommendation of a minority of the members of a regular grand jury that a special grand jury be impanelled, to perform the functions provided for in subdivision (2) of § 19.2-191.

B. A special grand jury shall be impanelled by a circuit court upon the recommendation of a majority of the members of a regular grand jury if the court finds probable cause to believe that a crime has been committed which should be investigated by a special grand jury impanelled to perform the functions provided for in subdivision (2) of § 19.2-191.

§ 19.2-210. Presence of attorney for Commonwealth or Attorney General.

~~The~~ Neither the Attorney General nor the attorney for the Commonwealth shall ~~not~~ be present at any time while the special grand jury is in session ~~except that~~. However, during the investigatory stage of its proceedings he either may be present when his presence is requested by the special grand jury or when the special grand jury was empanelled upon his motion. When present before the special grand jury he the Attorney General or the attorney for the Commonwealth may interrogate witnesses, provided the special grand jury requests or consents to such interrogation.

~~The~~ Neither the Attorney General nor the attorney for the Commonwealth shall ~~not~~ be present during or after the investigative stage of the proceedings at any time while the special grand jury is discussing, evaluating or considering the testimony of a witness or is deliberating in order to reach decisions or prepare its report; except that he may be present when his upon request of the special grand jury to provide legal advice is requested by the special grand jury.

§ 19.2-213.1. Discharge of special grand jury.

If a special grand jury has not filed a report pursuant to § 19.2-213 within six months of its impanelling, the circuit court appointing it shall discharge it; ~~provided, however~~. However, if such the court, in its discretion, determines that the special grand jury is making progress in its investigation or if the Attorney General requests continuation of a special grand jury requested by him, the court may direct that special grand jury to continue its investigation pursuant to this article.

INTRODUCED

SB124