

By Mr. Harold, a petition (accompanied by bill, Senate, No. 744) of L. Scott Harshbarger, Attorney General, Paul D. Harold and William R. Keating for legislation relative to state-wide grand juries. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATING TO STATEWIDE GRAND JURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 statewide grand jury act.

1 SECTION 2. Upon written application of the attorney general
2 to the chief justice of the supreme judicial court, with good cause
3 stated in accordance with the policy and purposes of this act, the
4 chief justice may appoint superior court judges to convene and
5 preside over statewide grand juries, with jurisdiction extending
6 throughout the Commonwealth of Massachusetts.

1 SECTION 3. The presiding judge or judges of the statewide
2 grand jury shall receive recommendations from the attorney
3 general as to the county in which the grant jury shall sit. Prior
4 to making the recommendations, the attorney general shall receive
5 the acquiescence of the district attorney to use his or her county
6 for the site of the statewide grand jury. Upon receiving the
7 attorney general's recommendations, the presiding judge will
8 choose one of those recommended locations as the site where the
9 grant jury shall sit.

1 SECTION 4. Venue for purposes of trial of offenses indicted
2 by a statewide grand jury shall be proper in any county where
3 the offense occurred.

1 SECTION 5. A statewide grand jury should be called and shall
2 sit at such times, and subject to the same procedures, as grand
3 juries in counties within the Commonwealth, except as otherwise
4 provided in this act. A statewide grand jury convened pursuant
5 to this act shall sit for a period not to exceed one year. Such period
6 may be extended for a reasonable period, not to exceed an
7 additional year, if in accordance with General Laws c.277, §1A,
8 and General Laws c234A, §41, public necessity requires further
9 time by the grand jury to complete specified investigations.

1 SECTION 6. Except as otherwise provided in this act, a
2 statewide grand jury shall have the same powers and duties, shall
3 be selected in the same manner, shall be served by county
4 personnel in the same manner and shall follow the same
5 procedures, as other grand juries in the county in which the
6 statewide grand jury sits.

1 SECTION 7. A statewide grand jury may, at the discretion of
2 the presiding judge or judges, draw jurors from counties adjoining
3 the one in which it is to sit. Personnel of adjoining counties shall
4 assist the statewide grand jury in drawing such jurors from their
5 respective counties in the same manner as they would assist in the
6 selection of grand jurors sitting in their own county.

1 SECTION 8. The attorney general or his assistant shall attend
2 each session of a statewide grand jury, and may prosecute any
3 indictment returned by it. The attorney general or his assistant
4 shall have the same powers and duties in relation to a statewide
5 grand jury that he has in relation to a county grand jury, except
6 as otherwise provided in this act.

1 SECTION 9. The cost of impaneling a statewide grand jury,
2 and the cost and expenses incurred in the performance of its
3 functions and duties, shall be paid by the attorney general out of
4 funds appropriated to it for that purpose.

1 SECTION 10. No provision of this act shall be construed as
2 limiting the jurisdiction of county grand juries or district attorneys

3 in the Commonwealth, nor shall an investigation by a statewide
4 grand jury be deemed to preempt an investigation by any other
5 grand jury or agency having jurisdiction over the same subject
6 matter.

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