

SENATE No. 771

By Ms. Jacques, a petition (accompanied by bill, Senate, No. 771) of Cheryl A. Jacques for legislation to provide for the appointment and jurisdiction of a statewide grand jury. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO A 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
5 and preside over statewide grand juries, with the jurisdiction
6 extending 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 grand jury shall sit. Prior to
4 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 grand 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 the
3 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 to
5 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 chapter 277,
8 section 1A, and General Laws chapter 234A, section 41, public
9 necessity requires further time by the grand jury to complete
10 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 proce-
5 dures, as other grand juries in the county in which the statewide
6 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 as
6 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 func-
3 tions and duties, shall be paid by the attorney general out of funds
4 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.

