

Senate Bill 254

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that audio recording be made of grand jury proceedings.

A BILL FOR AN ACT

1
2 Relating to grand juries; creating new provisions; and amending ORS 132.090.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The presiding judge of each judicial district shall ensure that an audio**
5 **recording is made of the proceedings of the grand jury. The recording must be deposited with**
6 **the clerk of the court or the trial court administrator.**

7 **(2)(a) If an indictment is found "a true bill," the clerk of the court or the trial court**
8 **administrator shall provide a reproduction of the audio recording to the defendant upon**
9 **payment by the defendant of the costs of the reproduction. A defendant who obtains a re-**
10 **production of the recording shall make it available to the district attorney.**

11 **(b) If an indictment is not found "a true bill," the clerk of the court or the trial court**
12 **administrator shall destroy the recording unless the court orders the recording preserved for**
13 **good cause shown.**

14 **(3)(a) The requirements of this section apply to all proceedings before the grand jury,**
15 **including but not limited to, the charge by the court, all later communications between the**
16 **court and the grand jury, all comments, statements or communications by the district at-**
17 **torney or any other person to the grand jury, and the questioning and testimony of all wit-**
18 **nesses.**

19 **(b) The requirements of this section do not apply to a grand jury's deliberations, the**
20 **voting of the grand jury or the consultations between witnesses and their attorneys.**

21 **SECTION 2. ORS 132.090 is amended to read:**

22 132.090. (1) Except as provided **in section 1 of this 2009 Act and** in subsections (2) and (3) of
23 this section, no person other than the district attorney or a witness actually under examination shall
24 be present during the sittings of the grand jury.

25 (2) Upon a motion filed by the district attorney in the circuit court, the circuit judge may ap-
26 point [*a reporter who shall attend the sittings of the grand jury to take and report the testimony in any*
27 *matters pending before the grand jury, and may appoint*] a parent, guardian or other appropriate
28 person 18 years of age or older to accompany any child 12 years of age or younger, or any person
29 with mental retardation, during an appearance before the grand jury. The circuit judge, upon the
30 district attorney's showing to the court that it is necessary for the proper examination of a witness
31 appearing before the grand jury, may appoint a guard, medical or other special attendant or nurse,

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 who shall be present in the grand jury room and shall attend such sittings.

2 (3) The district attorney may designate an interpreter who is certified under ORS 45.291 to in-
3 terpret the testimony of witnesses appearing before the grand jury. The district attorney may des-
4 ignate a qualified interpreter, as defined in ORS 45.288, if the circuit court determines that a
5 certified interpreter is not available and that the person designated by the district attorney is a
6 qualified interpreter as defined in ORS 45.288. An interpreter designated under this subsection may
7 be present in the grand jury room and attend the sittings of the grand jury.

8 (4) No person other than members of the grand jury shall be present when the grand jury is
9 deliberating or voting upon a matter before it.

10 (5) As used in this section, "mental retardation" has the meaning given that term in ORS
11 427.005. Mental retardation may be shown by attaching to the motion of the district attorney:

12 (a) Documentary evidence of intellectual functioning; or

13 (b) The affidavit of a qualified person familiar with the person with mental retardation. "Quali-
14 fied person" includes, but is not limited to, a teacher, therapist or physician.

15 **SECTION 3. Section 1 of this 2009 Act and the amendments to ORS 132.090 by section 2**
16 **of this 2009 Act apply to proceedings before a grand jury that is selected on or after the ef-**
17 **fective date of this 2009 Act.**

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