

SENATE AMENDMENTS TO SENATE BILL 780

By COMMITTEE ON JUDICIARY

April 22

1 On page 1 of the printed bill, delete lines 11 through 30 and insert:

2 “(2)(a) A proceeding before a grand jury must be on the record and recorded by electronic
3 means or by a certified shorthand reporter if the proceeding has been convened to examine the use
4 of deadly force by a police officer that resulted in the death of a person. When a proceeding is re-
5 quired to be recorded under this subsection, the district attorney shall ensure that the questioning
6 and testimony of all witnesses are recorded by electronic means or by a certified shorthand reporter.

7 “(b) Notwithstanding paragraph (a) of this subsection, information that reveals the identity of
8 a grand juror and the deliberations of the grand jury may not be recorded by electronic means or
9 by a certified shorthand reporter.

10 “(3) If a certified shorthand reporter records a grand jury proceeding under subsection (2) of this
11 section, the reporter shall provide a certified transcript of the proceeding to the district attorney
12 no later than 10 days after the proceeding. The district attorney shall grant an extension of the
13 10-day period upon the showing of good cause.

14 “(4) The failure to record, by electronic means or by certified shorthand reporter, all of the
15 grand jury proceeding required to be on the record and recorded under subsection (2) of this section
16 does not affect the validity of any indictment or prosecution that arises from the proceeding.

17 “(5)(a) If a grand jury proceeding described in this section results in the grand jury finding an
18 indictment and indorsing it ‘a true bill,’ the district attorney shall provide a copy of the recording
19 or the certified transcript of the grand jury proceeding to the defendant.

20 “(b) Notwithstanding paragraph (a) of this subsection, the district attorney may request permis-
21 sion from the court to redact portions of the recording or certified transcript before providing the
22 recording or certified transcript to the defendant. The district attorney shall describe the portions
23 to be redacted and provide an explanation for the redaction to the court. If the court finds that
24 there is good cause for the redaction, the district attorney shall provide a redacted copy of the re-
25 cording or certified transcript to the defendant.

26 “(6)(a) A person may file a motion with the court to obtain a copy of the recording or certified
27 transcript of the grand jury proceeding described in this section if:

28 “(A) The grand jury did not find the indictment and indorsed it ‘not a true bill’; or

29 “(B) The grand jury found the indictment and indorsed it ‘a true bill’ and a judgment has been
30 entered in the criminal action.

31 “(b) The court may grant the motion filed as described in paragraph (a) of this subsection if the
32 court finds that providing a copy of the recording or certified transcript to the person is in the
33 public interest. If the court grants the motion, the district attorney shall provide a copy of the re-
34 cording or certified transcript to the court to provide to the person.

35 “(c) The district attorney may object to a motion filed as described in paragraph (a) of this

1 subsection or may request permission from the court to redact portions of the recording or certified
2 transcript before providing the recording or certified transcript to the person. The district attorney
3 shall describe the portions to be redacted and provide an explanation for the redaction to the court.
4 If the court finds that there is good cause for the redaction, the district attorney shall provide a
5 redacted copy of the recording or certified transcript to the court to provide to the person.”.

6 On page 2, line 31, delete “and” and insert “or”.

7
