

**PROPOSED AMENDMENTS TO
SENATE BILL 780**

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 re-
3 corded by electronic means or by a certified shorthand reporter if the pro-
4 ceeding has been convened to examine the use of deadly force by a police
5 officer that resulted in the death of a person. When a proceeding is required
6 to be recorded under this subsection, the district attorney shall ensure that
7 the questioning and testimony of all witnesses are recorded by electronic
8 means or by a certified shorthand reporter.

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

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

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

21 “(5)(a) If a grand jury proceeding described in this section results in the
22 grand jury finding an indictment and indorsing it ‘a true bill,’ the district

1 attorney shall provide a copy of the recording or the certified transcript of
2 the grand jury proceeding to the defendant.

3 “(b) Notwithstanding paragraph (a) of this subsection, the district attor-
4 ney may request permission from the court to redact portions of the record-
5 ing or certified transcript before providing the recording or certified
6 transcript to the defendant. The district attorney shall describe the portions
7 to be redacted and provide an explanation for the redaction to the court. If
8 the court finds that there is good cause for the redaction, the district attor-
9 ney shall provide a redacted copy of the recording or certified transcript to
10 the defendant.

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

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

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

18 “(b) The court may grant the motion filed as described in paragraph (a)
19 of this subsection if the court finds that providing a copy of the recording
20 or certified transcript to the person is in the public interest. If the court
21 grants the motion, the district attorney shall provide a copy of the recording
22 or certified transcript to the court to provide to the person.

23 “(c) The district attorney may object to a motion filed as described in
24 paragraph (a) of this subsection or may request permission from the court
25 to redact portions of the recording or certified transcript before providing
26 the recording or certified transcript to the person. The district attorney shall
27 describe the portions to be redacted and provide an explanation for the
28 redaction to the court. If the court finds that there is good cause for the
29 redaction, the district attorney shall provide a redacted copy of the recording
30 or certified transcript to the court to provide to the person.”.

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

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