

2019 -- S 0706

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- GRAND JURIES

Introduced By: Senators McCaffrey, and Lynch Prata

Date Introduced: March 21, 2019

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-11-1 of the General Laws in Chapter 12-11 entitled "County
2 Grand Juries" is hereby amended to read as follows:

3 **12-11-1. Number of members.**

4 The grand jury shall consist of not less than thirteen (13) nor more than twenty-three (23)
5 persons. Whenever the attorney general shall by motion in writing make application to any justice
6 of the superior court for a grand jury to consist of twenty-three (23) persons, the motion shall
7 immediately be granted. [A county grand jury may issue reports consistent with the provisions of §](#)
8 [12-11.1-5.2.](#)

9 SECTION 2. Section 12-11.1-1 of the General Laws in Chapter 12-11.1 entitled
10 "Statewide Grand Juries" is hereby amended to read as follows:

11 **12-11.1-1. Statewide grand jury -- Size and powers.**

12 A statewide grand jury shall consist of not less than thirteen (13) nor more than twenty-
13 three (23) persons. The jurisdiction of a statewide grand jury shall extend throughout the state and
14 it may investigate and return indictments for crimes committed any place within the state, [and](#)
15 [may issue reports consistent with the provisions of § 12-11.1-5.2.](#) A statewide grand jury shall in
16 all other respects possess the usual powers and duties of county grand juries.

17 SECTION 3. Chapter 12-11.1 of the General Laws entitled "Statewide Grand Juries" is
18 hereby amended by adding thereto the following section:

19 **12-11.1-5.2. Grand jury reports.**

1 (a) Any grand jury may, at any time during its term, submit to the presiding justice of the
2 superior court a grand jury report to be released to the public. A grand jury report may be
3 submitted only upon the concurrence of twelve (12) or more jurors and shall be signed by each
4 juror who concurred.

5 (b) Within thirty (30) days after receiving a report from the grand jury prepared pursuant
6 to subsection (a) of this section, the superior court shall notify in writing all persons or entities
7 named in the grand jury report, to give the persons or entities an opportunity to review the grand
8 jury report and prepare a response to be submitted to the superior court. Any responses shall be
9 submitted to the superior court within thirty (30) days after notification, and shall indicate
10 whether or not the respondent agrees to the public release of the response. Any proceedings
11 pursuant to this subsection shall be sealed until ordered otherwise by the superior court.

12 (c) The superior court shall examine the report and issue an order accepting and filing the
13 report, in whole or in part, including any responses that the respondent has agreed to release, as a
14 public record only if the superior court is satisfied that:

15 (1) The grand jury and the attorney general were acting within the statutory jurisdiction
16 of the persons in convening the grand jury; and

17 (2) The report is based on facts revealed in the course of the grand jury investigation and
18 is supported by a preponderance of the evidence; and

19 (3) The report does not contain material that is personal in nature and is not related to any
20 unlawful inquiry; and

21 (4) The report does not disclose the identity of a confidential informant; and

22 (5) The filing of the report as a public record does not prejudice the fair consideration of
23 a criminal matter.

24 (d) If the superior court determines that the filing of the report as a public record may
25 prejudice fair consideration of a pending criminal matter, the superior court shall order such
26 report sealed and the report shall not be subject to release, subpoena, or public inspection during
27 the pendency of the criminal matter except upon order of the superior court.

28 (e) Failure of the superior court to accept and file as a public record a report submitted
29 under this section may be appealed by the attorney general to the supreme court. The superior
30 court's decision to accept and file as a public record a report submitted under this section may be
31 appealed by any person or entity named in the report, to the supreme court.

32 (f) No reports shall be issued under this section after July 1, 2024.

1 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL PROCEDURE -- GRAND JURIES

1 This act would permit grand juries to issue reports to the superior court as a public record
2 and would provide a process for review and acceptance by the superior court and would allow the
3 attorney general or any person or entity named in the report to challenge the court's decision to
4 release or not release the report as a public record.

5 This act would take effect upon passage.

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