

Senate Bill 249

By: Senator Beach of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated,
2 relating to grand juries, so as to require secrecy and protection from unauthorized disclosure
3 of grand jury proceedings, including special grand jury proceedings; to provide penalties for
4 unauthorized disclosures by the foreperson, members of the grand jury or special grand jury,
5 and court reporters; to provide for related matters; to provide for an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to
10 grand juries, is amended by revising Code Section 15-12-67, relating to appointment or
11 election of foreman and oath of foreman and grand jurors, as follows:

12 "15-12-67.

13 (a) The judge of the superior court may appoint the ~~foreman~~ foreperson of the grand jury
14 or may direct the grand jury to elect its own ~~foreman~~ foreperson. The ~~foreman~~ foreperson
15 of the grand jury may administer the oath prescribed by law to all witnesses required to
16 testify before the grand jury and may also examine such witnesses.

17 (b) The following oath shall be administered to the foreperson and to each member of the
18 grand jury:

19 'You, as foreperson (or member) of the grand jury for the County of _____, shall
20 diligently inquire and true presentment make of all such matters and things as shall be
21 given you in the court's charge or shall come to your knowledge touching the present
22 service; and you shall keep the presentations to and the deliberations of the grand jury
23 secret unless called upon to give evidence thereof in some court of law in this state. You
24 shall present no one from envy, hatred, or malice, nor shall you leave anyone unrepresented
25 from fear, favor, affection, reward, or the hope thereof, but you shall present all things
26 truly and as they come to your knowledge. So help you God.'

27 (c) Any breach of the oath administered pursuant to subsection (b) of this Code section
28 shall be punished as contempt of court and the court shall render the entirety of the
29 presentations, deliberations, and findings of the grand jury void ab initio."

30 **SECTION 2.**

31 Said article is further amended by revising Code Section 15-12-83, relating to oath of court
32 reporter attending grand jury proceeding, compensation, and role and responsibilities, and
33 use of recording device in lieu of stenographer, as follows:

34 "(e) The court reporter shall be incompetent to testify at any hearing or trial concerning any
35 matter or thing coming to the knowledge of the court reporter while in attendance upon the
36 grand jury. Any unauthorized disclosures thereof shall be punished as contempt of court."

37 **SECTION 3.**

38 Said article is further amended by revising subsection (b) Code Section 15-12-100, relating
39 to procedure for impaneling special grand jury, number of jurors, foreperson, and powers of
40 jury, as follows:

41 ~~"(b) Until July 1, 2012, the chief judge of the superior court of the county shall submit the~~
42 ~~question of impaneling a special grand jury to the judges of the superior court of the county~~
43 ~~and, if a majority of the total number of the judges vote in favor of impaneling a special~~
44 ~~grand jury, the members of a special grand jury shall be drawn in the manner prescribed~~
45 ~~by Code Section 15-12-62. On and after July 1, 2012, the The chief judge of the superior~~
46 ~~court of the county shall submit the question of impaneling a special grand jury to the~~
47 ~~judges of the superior court of the county and, if a majority of the total number of the~~
48 ~~judges vote in favor of impaneling a special grand jury, the members of a special grand jury~~
49 ~~shall be chosen in the manner prescribed by Code Section 15-12-62.1. Any special grand~~
50 ~~jury shall consist of not less than 16 nor more than 23 persons. The foreperson of any~~
51 ~~special grand jury shall be selected in the manner prescribed by Code Section 15-12-67.~~
52 ~~The foreperson and each member of any special grand jury shall be administered the oath~~
53 ~~provided for in subsection (b) of Code Section 15-12-67. Any breach of such oath shall~~
54 ~~be punished as contempt of court and the court shall render the entirety of the~~
55 ~~presentations, deliberations, and findings of the special grand jury void ab initio."~~

56 **SECTION 4.**

57 This Act shall become effective upon its approval by the Governor or upon its becoming law
58 without such approval.

59 **SECTION 5.**

60 All laws and parts of laws in conflict with this Act are repealed.