

Senate Resolution 34

By: Senator McKoon of the 29th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for state-wide grand juries; to
 2 provide for the jurisdiction, powers, and duties of state-wide grand juries; to require the
 3 General Assembly to provide by law for procedures for the summoning and empaneling of
 4 state-wide grand juries; to provide for a presiding judge; to provide that the Attorney General
 5 or his or her designee shall act as the legal adviser and prosecutor for such state-wide grand
 6 juries; to provide for the submission of this amendment for ratification or rejection; and for
 7 other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Article VI of the Constitution is amended by adding at the end thereof a new Section XI to
 11 read as follows:

12 SECTION XI.

13 STATE-WIDE GRAND JURIES

14 Paragraph I. *State-wide grand juries.* (a) State-wide grand juries shall be summoned
 15 and empaneled upon petition of the Attorney General to the Supreme Court pursuant to
 16 procedures provided by law.

17 (b) A state-wide grand jury shall consist of not fewer than 13 nor more than 23 persons.
 18 The jurisdiction of a state-wide grand jury shall extend throughout the state, and it may
 19 investigate and return indictments for crimes committed anywhere within the state. The
 20 term of any such state-wide grand jury shall not exceed 12 months.

21 (c) The Chief Justice of the Supreme Court shall designate a superior court judge to act
 22 as presiding judge for each state-wide grand jury. Upon designation by the Chief Justice,
 23 the presiding judge shall summon and empanel a state-wide grand jury in accordance with
 24 procedures provided by law.

25 (d) The Attorney General or his or her designee shall act as legal adviser to any
 26 state-wide grand jury. The Attorney General, in his or her discretion, may designate any
 27 member of his or her staff or any district attorney to provide legal advice, counsel, or
 28 assistance to a state-wide grand jury.

29 (e) The subject matter jurisdiction of state-wide grand juries shall extend to the
 30 investigation and indictment of persons and other legal entities for any crime involving
 31 corruption in the executive, legislative, or judicial branch of this state, any political
 32 subdivision or municipality of this state, or any authority or instrumentality of this state,
 33 a political subdivision, or municipality; fraud by a vendor or recipient of goods or services
 34 for which funding has been provided by the Department of Community Health; any
 35 violation of the election laws of this state; any violation of the oath of a public officer;
 36 bribery; false statements, representations, or writings concerning matters within the
 37 jurisdiction of state and local governments; conspiracy to defraud the state or any political
 38 subdivision or municipality thereof; and any other criminal activity for which the Governor
 39 has directed the Attorney General to petition the Supreme Court for the empaneling of a
 40 state-wide grand jury.

41 (f) It shall not be necessary for a proposed bill of indictment to be presented to a
 42 state-wide grand jury prior to its engaging in investigative activities. The attendance of
 43 witnesses and the production of documents at such investigations may be compelled by a
 44 subpoena signed by any official authorized by the state-wide grand jury to issue such
 45 process."

46 SECTION 2.

47 The above proposed amendment to the Constitution shall be published and submitted as
 48 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 49 above proposed amendment shall have written or printed thereon the following:

50 "() YES Shall the Constitution of Georgia be amended so as to provide for state-wide
 51 grand juries which shall have the authority to investigate and indict for
 52 () NO crimes committed anywhere in the state, including those committed by
 53 public officials; to provide for the types of offenses which may be
 54 investigated and acted upon by such state-wide grand juries; to provide for
 55 a presiding judge; to provide authority for the Attorney General or his or her
 56 designee to act as legal adviser and to prosecute any indictments rendered
 57 by such state-wide grand juries; and to further authorize the General
 58 Assembly to establish by law procedures for the summoning and
 59 empaneling of such state-wide grand jurors?"

60 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
61 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
62 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
63 become a part of the Constitution of this state.