

Regular Session, 2010

HOUSE BILL NO. 948

BY REPRESENTATIVE LEGER

CRIMINAL/JURIES: Allows the recording of grand jury proceedings, preparation of transcripts, and review of grand jury proceedings under certain circumstances

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 434(A), relative to the secrecy
3 of grand jury meetings; to authorize the recording of grand jury proceedings; to
4 authorize the preparation of a transcript of grand jury proceedings in certain
5 circumstances; to authorize the review of grand jury transcripts under certain
6 circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 434(A) is hereby amended and
9 reenacted to read as follows:

10 Art. 434. Secrecy of grand jury meetings; recording of proceedings; procedures for
11 crimes in other parishes

12 A.(1) Members of the grand jury, all other persons present at a grand jury
13 meeting, and all persons having confidential access to information concerning grand
14 jury proceedings, shall keep secret the testimony of witnesses and all other matters
15 occurring at, or directly connected with, a meeting of the grand jury. However, after
16 the indictment, such persons may reveal statutory irregularities in grand jury
17 proceedings to defense counsel, the attorney general, the district attorney, or the
18 court, and may testify concerning them. Such persons may disclose testimony given
19 before the grand jury, at any time when permitted by the court, to show that a witness
20 committed perjury in his testimony before the grand jury. A witness may discuss his

1 testimony given before the grand jury with counsel for a person under investigation
2 or indicted, with the attorney general or the district attorney, or with the court.

3 (2) A court reporter shall record either stenographically or by use of an
4 electronic recording device, all grand jury proceedings except when the grand jury
5 is deliberating or voting. Transcripts of the recorded testimony or proceedings shall
6 be made when requested by the district attorney, attorney general, or the court. The
7 court may authorize the defendant or his attorney to review the transcript or
8 proceedings. The review shall be made at an area designated by the court. The
9 transcript shall not be removed from the designated area and shall not be reproduced
10 except by order of the court.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 948

Abstract: Authorizes the recording of grand jury proceedings and review of transcripts of those proceedings under certain circumstances.

Present law provides that members of the grand jury, all other persons present at a grand jury meeting, and all persons having confidential access to information concerning grand jury proceedings, shall keep secret the testimony of witnesses and all other matters occurring at, or directly connected with, a meeting of the grand jury. Provides for circumstances in which testimony or statutory irregularities in grand jury proceedings may be revealed.

Proposed law retains the provisions of present law and further provides that a court reporter shall record, either stenographically or by use of an electronic recording device, all grand jury proceedings except when the grand jury is deliberating or voting. Transcripts of the recorded testimony or proceedings shall be made when requested by the district attorney, attorney general, or the court. The court may authorize the defendant or his attorney to review the transcript or proceedings. The review shall be made at an area designated by the court. The transcript shall not be removed from the designated area and shall not be reproduced except by order of the court.

(Amends C.Cr.P. Art. 434(A))