

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS75324-LR-60B (2/26)

Short Title: Grand Jury Reform/Prosecutorial Misconduct. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT ALLOWING A GRAND JURY TO REPORT POSSIBLE PROSECUTORIAL MISCONDUCT OR ANY OTHER MATTER THAT COULD ADVERSELY AFFECT THE INDEPENDENCE, FAIRNESS, AND IMPARTIALITY OF THE GRAND JURY AND REQUIRING A WRITTEN RECORD OF ALL GRAND JURY PROCEEDINGS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15A-623 is amended by adding a new subsection to read:

"(i) All proceedings of the grand jury shall be recorded and transcribed. Records and transcriptions of grand jury proceedings are not public records under Chapter 132 of the General Statutes."

**SECTION 2.** G.S. 15A-628 is amended by adding a new subdivision to read:

"(6) May confer with, and report to, the presiding or convening judge concerning possible prosecutorial misconduct or any other matter that could adversely affect the independence, fairness, and impartiality of the grand jury."

**SECTION 3.** Article 31 of Chapter 15A of the General Statutes is amended by adding a new section to read:

**§ 15A-632. Reporting prosecutorial misconduct and other matters.**

Notwithstanding G.S. 15A-623 or any other provision of law, the grand jury may, after consultation with the presiding or convening judge and only with that judge's permission, report to federal law enforcement authorities on prosecutorial misconduct and any other matter that could adversely affect the independence, fairness, and impartiality of the grand jury."

**SECTION 4.** This act becomes effective October 1, 2007.