

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 1131

Short Title: Grand Jury Reform/Prosecutorial Misconduct.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Judiciary I (Civil).

March 22, 2007

A BILL TO BE ENTITLED

1 AN ACT ALLOWING A GRAND JURY TO REPORT POSSIBLE
2 PROSECUTORIAL MISCONDUCT OR ANY OTHER MATTER THAT COULD
3 ADVERSELY AFFECT THE INDEPENDENCE, FAIRNESS, AND
4 IMPARTIALITY OF THE GRAND JURY AND REQUIRING A WRITTEN
5 RECORD OF ALL GRAND JURY PROCEEDINGS.
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7 The General Assembly of North Carolina enacts:

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

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

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

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

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

20 **"§ 15A-632. Reporting prosecutorial misconduct and other matters.**

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

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