



**House
Legislative
Analysis
Section**

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STATEWIDE GRAND JURIES

RECEIVED

MAY 23 1989

House Bill 4310

Sponsor: Rep. Nelson W. Saunders

Committee: Judiciary

Mich. State Law Library

Complete to 4-28-89

A SUMMARY OF HOUSE BILL 4310 AS INTRODUCED 2-23-89

The bill would amend the Code of Criminal Procedure to provide for the creation of a grand jury with jurisdiction over two or more counties. Such a jury could be convened by the supreme court upon petition from the attorney general or the prosecuting attorneys of the counties involved. The petition would have to establish: probable cause to believe that a crime (or a portion of it) had been committed in two or more of the counties named in the petition; and reason to believe that the grand jury could more effectively address the criminal activity than a one-county grand jury.

Grand jury creation. The supreme court would name a circuit or recorder's court judge to preside over the multiple-county grand jury. If the jury was formed by prosecutor petition, the supreme court would designate one of the prosecutors to assist the grand jury. The supreme court also would have to designate the counties from which jurors would be drawn (these counties would have to be from among the counties named in the petition), the number of jurors to be drawn, and the locations for grand jury proceedings.

A multiple-county grand jury would consist of 13 to 19 individuals. (Ordinary grand juries consist of 13 to 17 individuals.)

Term. The term of a multiple-county grand jury generally would be six months. However, the supreme court could extend the term for a maximum period of six more months for good cause shown. The presiding judge would dismiss a jury upon completion of its functions whether or not its maximum term had been met.

Expansion of jurisdiction. If the attorney general or prosecuting attorneys who requested the multiple-county grand jury sought an expansion of its jurisdiction, the presiding judge could dismiss the jury, and the supreme court could, upon petition, convene a grand jury with jurisdiction over one or more additional counties. For a grand jury formed in response to prosecutors' petition, the prosecutors from each of the additional counties would have to join in the petition.

Indictments. A multiple-county grand jury could indict a person for an offense committed in any county over which the jury had jurisdiction. A person would be indicted by a majority vote of the grand jurors. The indictment would specify the county or counties in which the offense took place. The indictment would remain with the court having jurisdiction over the offense, after being certified and filed with that court by the judge presiding over the grand jury.

Costs. Except as otherwise provided by law the costs of a multiple-county grand jury sought by the attorney general would be borne by the state and paid out of the general fund. If formed in response to prosecutors' petition, costs would be borne equally by each county over which the grand jury had jurisdiction.