

1 AN ACT relating to special grand juries.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 15.200 is amended to read as follows:

4 (1) Whenever requested in writing by the Governor, or by any of the courts or grand  
5 juries of the Commonwealth, or upon receiving a communication from a sheriff,  
6 mayor, or majority of a city legislative body stating that ***the Attorney General's***~~[his]~~  
7 participation in a given case is desirable to effect the administration of justice and  
8 the proper enforcement of the laws of the Commonwealth, the Attorney General  
9 may intervene, participate in, or direct any investigation or criminal action, or  
10 portions thereof, within the Commonwealth of Kentucky necessary to enforce the  
11 laws of the Commonwealth.

12 (2) ***When in the Attorney General's opinion public necessity requires the convening***  
13 ***of a special grand jury to investigate crimes or criminal conspiracies that cross***  
14 ***multiple judicial circuits, he or she may petition the Supreme Court to convene a***  
15 ***special grand jury in accordance with Section 3 of this Act. In the petition, the***  
16 ***Attorney General shall specify the nature of the alleged criminal activity and the***  
17 ***counties in which the crimes or criminal conspiracies are alleged to have***  
18 ***occurred. If the Supreme Court approves the petition, the Attorney General may***  
19 ***direct any investigation or criminal action regarding the alleged criminal activity.***  
20 ***If, during the course of the investigation or criminal action, the Attorney General***  
21 ***discovers alleged criminal activity or counties in which the crimes or criminal***  
22 ***conspiracies are alleged to have occurred that were not included in the original***  
23 ***petition, he or she may amend the petition to include the new allegations or***  
24 ***counties. If the Supreme Court approves the amended petition, the Attorney***  
25 ***General may direct any investigation or criminal action regarding the new***  
26 ***alleged criminal activity.***

27 (3) ***The Attorney General***~~[He]~~ may subpoena witnesses, secure testimony under oath

1 for use in civil or criminal trials, investigations or hearings affecting the  
 2 Commonwealth, its departments or political subdivisions.

3 →Section 2. KRS 15.205 is amended to read as follows:

4 When the Attorney General has been requested to participate in a given case or the  
 5 Supreme Court has approved the Attorney General's petition to convene a special  
 6 grand jury pursuant to KRS 15.200, the Attorney General may, at his or her own  
 7 discretion, direct that a Commonwealth's attorney or county attorney from another circuit  
 8 or district participate in the case as a special prosecutor for the Commonwealth.

9 →Section 3. KRS 29A.220 is amended to read as follows:

10 (1) (a) Any Chief Circuit Judge may summon for cause a special grand jury to deal  
 11 with a situation requiring lengthy investigation which cannot be adequately  
 12 handled during the term of the regular grand jury.

13 ~~(b)(2)~~ A special grand jury convened pursuant to paragraph (a) of this  
 14 subsection shall remain in session until discharged by the court, but shall not  
 15 remain in session longer than ninety (90) days, provided, however, that a  
 16 special grand jury may be extended for additional ninety (90) day periods on  
 17 the written order of the Chief Circuit Judge.

18 (2) (a) If the Supreme Court approves the Attorney General's petition to convene a  
 19 special grand jury pursuant to Section 1 of this Act, the Chief Justice shall:

20 1. Convene a special grand jury to investigate the crimes or criminal  
 21 conspiracies outlined in the Attorney General's petition;

22 2. Determine whether the special grand jury has statewide jurisdiction or  
 23 jurisdiction only over the counties specified in the Attorney General's  
 24 petition;

25 3. Appoint a Circuit Judge from one (1) of the counties included in the  
 26 Attorney General's petition as the supervising judge over the special  
 27 grand jury. With respect to investigations, presentments, reports, and

1           all other proper activities of the special grand jury, the supervising  
2           judge shall have jurisdiction over all the counties named pursuant to  
3           subparagraph 2. of this paragraph; and

4           4. Impanel a special grand jury within one (1) of the counties named in  
5           the Attorney General's petition that are within the supervising judge's  
6           circuit.

7           (b) If the Supreme Court approves the Attorney General's amended petition  
8           pursuant to Section 1 of this Act, the Chief Justice shall instruct the special  
9           grand jury convened pursuant to paragraph (a) of this subsection to also  
10           investigate the new crimes or criminal conspiracies outlined in the Attorney  
11           General's amended petition and, if additional counties were named in the  
12           Attorney General's amended petition, to expand the special grand jury's  
13           jurisdiction over those additional counties, if needed.

14           (c) A special grand jury convened pursuant to paragraph (a) of this subsection  
15           shall remain in session until discharged by the court, but shall not remain  
16           in session longer than one hundred eighty (180) days, except that a special  
17           grand jury convened pursuant to paragraph (a) of this subsection may be  
18           extended for additional ninety (90) day periods if requested by the  
19           supervising judge and approved by written order of the Chief Justice.

20           (d) A special grand jury convened pursuant to paragraph (a) of this subsection  
21           may issue a report, under seal, that may be received as substantive evidence  
22           in any subsequent grand jury presentation.

23           (e) When the special grand jury convened pursuant to paragraph (a) of this  
24           subsection concludes its investigation, the Attorney General may participate  
25           in the case as a special prosecutor pursuant to Section 1 of this Act or may  
26           direct that a Commonwealth's attorney participate in accordance with  
27           Section 2 of this Act. If the Attorney General does not participate in the case

1           or direct a Commonwealth's attorney to participate, the special grand jury  
2           may issue a report, under seal, to each Commonwealth's attorney from a  
3           county implicated by the special grand jury's investigation.  
4           (f) The convening of a special grand jury pursuant to paragraph (a) of this  
5           subsection shall in no way diminish the responsibility and authority of  
6           Commonwealth's attorneys or county attorneys within their jurisdictions to  
7           investigate and prosecute crimes or criminal conspiracies.