

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 242

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H242-ARN-1 [v.4]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [YES]
Second Edition

Date _____, 2015

Representative Glazier

1 moves to amend the bill on page 1, line 3, by rewriting that line to read:

2
3 "GRAND JURY MAY BE CONVENED AND TO CLARIFY THAT RECORDS
4 GATHERED BY AN INVESTIGATIVE GRAND JURY ARE PART OF THE FILE OF THE
5 PROSECUTOR'S OFFICE AND SUBJECT TO DISCLOSURE TO THE DEFENDANT." ;

6
7 and on page 2, line 20, by rewriting that line to read:

8
9 "SECTION 2. G.S. 15A-623(h) reads as rewritten:

10 (h) If a grand jury is convened pursuant to G.S. 15A-622(h), notwithstanding subsection
11 (d) of this section, a prosecutor shall be present to examine witnesses, and a court reporter shall
12 be present and record the examination of witnesses. The record shall be transcribed. If the
13 prosecutor determines that it is necessary to compel testimony from the witness, he may grant
14 use immunity to the witness. The grant of use immunity shall be given to the witness in writing
15 by the prosecutor and shall be signed by the prosecutor. The written grant of use immunity
16 shall also be read into the record by the prosecutor and shall include an explanation of use
17 immunity as provided in G.S. 15A-1051. A witness shall have the right to leave the grand jury
18 room to consult with his counsel at reasonable intervals and for a reasonable period of time
19 upon the request of the witness. Notwithstanding subsection (e) of this section, the ~~record~~
20 records gathered in the course of the grand jury investigation and the record of the examination
21 of witnesses shall be made available to the examining prosecutor, and he may shall become part
22 of the file of the prosecutor's office as those terms are defined by G.S. 15A-903(a)(1). The
23 prosecutor may disclose contents of the record to other investigative or law-enforcement
24 officers, the witness or his attorney to the extent that the disclosure is appropriate to the proper
25 performance of his official duties. The record of the examination of a witness may be used in a
26 trial to the extent that it is relevant and otherwise admissible. Further disclosure of grand jury
27 proceedings convened pursuant to this act may be made upon written order of a superior court
28 judge if the judge determines disclosure is essential:

- 29 (1) To prosecute a witness who appeared before the grand jury for contempt or
30 perjury; or
31 (2) To protect a defendant's constitutional rights or statutory rights to discovery
32 pursuant to G.S. 15A-903.



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Page 2 of 2

1 Upon the convening of the investigative grand jury pursuant to approval by the three-judge
2 panel, the district attorney shall subpoena the witnesses. The subpoena shall be served by the
3 investigative grand jury officer, who shall be appointed by the court. The name of the person
4 subpoenaed and the issuance and service of the subpoena shall not be disclosed, except that a
5 witness so subpoenaed may divulge that information. The presiding superior court judge shall
6 hear any matter concerning the investigative grand jury in camera to the extent necessary to
7 prevent disclosure of its existence. The court reporter for the investigative grand jury shall be
8 present and record and transcribe the in camera proceeding. The transcription of any in camera
9 proceeding and a copy of all subpoenas and other process shall be returned to the Chief Justice
10 or to such member of the three-judge panel as the Chief Justice may designate, to be filed with
11 the Clerk of the North Carolina Supreme Court. The subpoena shall otherwise be subject to the
12 provisions of G.S. 15A-801 and Article 43 of Chapter 15A. When an investigative grand jury
13 has completed its investigation of the crimes alleged in the petition, the investigative functions
14 of the grand jury shall be dissolved and such investigation shall cease. The District Attorney
15 shall file a notice of dissolution of the investigative functions of the grand jury with the Clerk
16 of the North Carolina Supreme Court.

17 **SECTION 3.** This act becomes effective October 1, 2015."
18
19

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**