

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1044

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H1044-AMN-50 [v.3]

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Amends Title [NO]
Second Edition

Date _____, 2016

Representative Faircloth

1 moves to amend the bill on page 4, line 2, by inserting the following new section after that line:

2 "SECTION 9.5. G.S. 15A-622 reads as rewritten:

3 "**§ 15A-622. Formation and organization of grand juries; other preliminary matters.**

4 ...

5 (h) A written petition for convening of grand jury under this section may be filed by the
6 district attorney, the district attorney's designated assistant, or a special prosecutor requested
7 pursuant to G.S. 114-11.6, with the approval of a committee of at least three members of the North
8 Carolina Conference of District Attorneys, and with the concurrence of the Attorney General, with
9 the Clerk of the North Carolina Supreme Court. The Chief Justice shall appoint a panel of three
10 judges to determine whether to order the grand jury convened. A grand jury under this section may
11 be convened if the three-judge panel determines that:

12 (1) The petition alleges the commission of or a conspiracy to commit ~~a violation of~~
13 ~~G.S. 90-95(h) or G.S. 90-95.1, any of the crimes listed in subsection (i) of this~~
14 ~~section,~~ any part of which violation or conspiracy occurred in the county where
15 the grand jury sits, and that persons named in the petition have knowledge
16 related to the identity of the perpetrators of those crimes but will not divulge
17 that knowledge voluntarily or that such persons request that they be allowed to
18 testify before the grand jury; and

19 (2) The affidavit sets forth facts that establish probable cause to believe that the
20 crimes specified in the petition have been committed and reasonable grounds to
21 suspect that the persons named in the petition have knowledge related to the
22 identity of the perpetrators of those crimes.

23 The affidavit shall be based upon personal knowledge or, if the source of the information and
24 basis for the belief are stated, upon information and belief. The panel's order convening the grand
25 jury as an investigative grand jury shall direct the grand jury to investigate the crimes and persons
26 named in the petition, and shall be filed with the Clerk of the North Carolina Supreme Court. A
27 grand jury so convened retains all powers, duties, and responsibilities of a grand jury under this
28 Article. The contents of the petition and the affidavit shall not be disclosed. Upon receiving a
29 petition under this subsection, the Chief Justice shall appoint a panel to determine whether the
30 grand jury should be convened as an investigative grand jury.

31 A grand jury authorized by this subsection may be convened from an existing grand jury or
32 grand juries authorized by subsection (b) of this section or may be convened as an additional grand



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1 jury to an existing grand jury or grand juries. Notwithstanding subsection (b) of this section, grand
2 jurors impaneled pursuant to this subsection shall serve for a period of 12 months, and, if an
3 additional grand jury is convened, 18 persons shall be selected to constitute that grand jury. At any
4 time for cause shown, the presiding superior court judge may excuse a juror temporarily or
5 permanently, and in the latter event the court may impanel another person in place of the juror
6 excused.

7 (i) An investigative grand jury may be convened pursuant to subsection (h) of this section
8 if the petition alleges the commission of, attempt to commit or solicitation to commit, or a
9 conspiracy to commit ~~a violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary~~
10 ~~servitude), or G.S. 14-43.13 (sexual servitude).~~ any of the following:

11 (1) A violation of G.S. 90-95(h) or G.S. 90-95.1.

12 (2) A violation of Article 29 or 30 of Chapter 14 of the General Statutes (relating to
13 bribery and obstructing justice), G.S. 14-228 (buying and selling of offices), or
14 G.S. 14-234 (public officers or employees benefiting from public contracts).

15 (3) A violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary
16 servitude), or G.S. 14-43.13 (sexual servitude).

17 (j) Any grand juror who serves the full term of service under subsection (b) or subsection
18 (h) of this section shall not be required to serve again as a grand juror or as a juror for a period of
19 six years."";

20
21 And on page 4, line 5, by rewriting the line to read:

22
23 "violations committed on or after that date. Section 9 of this act becomes effective July 1, 2016.
24 Section 9.5 of this act becomes effective October 1, 2016."
25
26
27
28

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

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