

HOUSE No. 1600

By Mr. Murphy of Burlington, petition of Charles A. Murphy and others for legislation to convene a statewide grand jury. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Charles A. Murphy
David Paul Linsky

Allen J. McCarthy

In the Year Two Thousand and Seven.

AN ACT ALLOWING FOR A STATEWIDE GRAND JURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 statewide grand jury act.

1 SECTION 2. Upon written application of the attorney general to
2 the chief justice of the Superior Court Department, with good cause
3 stated therein, the chief justice may authorize the convening of a
4 statewide grand jury with jurisdiction extending throughout the
5 Commonwealth of Massachusetts.

1 SECTION 3. The chief justice of the Superior Court Department
2 shall, upon granting an application, receive recommendations from
3 the attorney general as to the county in which the statewide grand
4 jury shall sit. Upon receiving the attorney general's recommenda-
5 tions, the chief justice will choose one of those recommended loca-
6 tions as the site where the grand jury shall sit. Once a county has
7 been selected, the chief justice shall direct the regional administra-
8 tive judge from the county selected to appoint, and reappoint as nec-
9 essary, a superior court judge to preside over the statewide grand
10 jury.

1 SECTION 4. The presiding superior court judge shall consult
2 with the attorney general and district attorney for the relevant district
3 about the nature and scope of the investigation, and shall thereafter
4 designate and authorize an existing county grand jury to serve as a
5 statewide grand jury for purposes of the investigation specified in
6 the written application, or, alternatively, convene and preside over a
7 specially empaneled statewide grand jury.

1 SECTION 5. A specially empaneled statewide grand jury shall be
2 drawn and selected in the same manner as the county grand jury in
3 the county in which the specially empaneled statewide grand jury
4 sits. A specially empaneled statewide grand jury may, at the discre-
5 tion of the presiding superior court judge, draw jurors from counties
6 adjoining the one in which it is to sit.

1 SECTION 6. A specially empaneled statewide grand jury con-
2 vened pursuant to this act shall sit for a period not to exceed six
3 months. Such period may be extended if, in accordance with General
4 Laws chapter 277, section 1A, and General Laws chapter 234A,
5 section 41, public necessity requires further time by the grand jury to
6 complete an investigation then in progress.

1 SECTION 7. The attorney general or his assistant shall attend
2 each session of a statewide grand jury, and may prosecute any indict-
3 ment returned by it. The attorney general or his assistant shall have
4 the same powers and duties in relation to a statewide grand jury that
5 he has in relation to a county grand jury, except as otherwise pro-
6 vided by law.

1 SECTION 8. Indictments shall be returned in the county where
2 the statewide grand jury sits, and shall thereafter be transferred to the
3 county specified by the grand jury on the indictment. Venue for pur-
4 poses of trial of offenses indicted by a statewide grand jury shall be
5 in any county where venue would otherwise be proper.

1 SECTION 9. No provision of this act shall be construed as lim-
2 iting the jurisdiction of county grand juries or district attorneys in
3 the Commonwealth. Except as otherwise provided by law, an inves-

4 tigation by a statewide grand jury shall not be deemed to preempt an
5 investigation by any other grand jury or agency having jurisdiction
6 over the same subject matter.