

Grand Juries—Misdemeanors, Attorney General Prosecution, Amendment of Indictments; SB 310

SB 310 amends the statute governing the summoning of grand juries to allow grand juries summoned upon the petition of the Attorney General or a district or county attorney to consider any alleged misdemeanor that arises as part of the same criminal conduct or investigation underlying any alleged felony considered by the grand jury.

The bill also amends the statute governing grand jury indictment procedure to allow a grand jury impaneled through elector petition to request that the Attorney General prosecute the case arising from an indictment, if the grand jury is of the opinion that the prosecuting attorney would not diligently prosecute the case. The court must notify the Attorney General of the request, and the Attorney General may prosecute the case.

Finally, the bill amends the statute governing amendment of grand jury indictments to allow the court to amend an indictment as to the substance of the offense charged for the limited purpose of effectuating a change of plea pursuant to a plea agreement between the defendant and the prosecution. This provision applies to grand juries impaneled by order of district judges or through petition by a county or district attorney or the Attorney General. It does not apply to grand juries impaneled through elector petition.