

**77-10a-14 Concurrence for indictment -- Proof -- Validity -- Disclosure.**

- (1) An indictment may be found only upon the concurrence of at least three-fourths, or the next highest whole number, of the grand jurors.
- (2) An indictment may not be found unless the grand jurors who vote in favor of the indictment find there is clear and convincing evidence to believe the crime to be charged was committed and the person to be indicted committed it. An indictment may not be returned solely on the basis of incompetent hearsay.
- (3) To be valid, the indictment shall be signed by the foreman and the attorney for the state or special prosecutor and returned to the managing judge in open court. The clerk of the managing court shall file the indictment upon receipt.
- (4) To be valid, the indictment shall be signed by the foreman and then returned to the managing judge in open court. The clerk of the managing court shall file the indictment upon receipt.
- (5)
  - (a) The managing judge who takes the return of the indictment may direct that the indictment be kept secret until the defendant is in custody or has been released pending trial.
  - (b) The clerk shall then seal the indictment and, except for transferring the indictment to the appropriate court for trial as provided by this chapter, may not permit any person to disclose the return of the indictment except when necessary for the issuance and execution of a warrant or summons.

Enacted by Chapter 318, 1990 General Session