

GRAND JURY MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

This bill requires a grand jury subpoena to be issued a certain amount of time before the person is required to testify.

Highlighted Provisions:

This bill:

requires a grand jury subpoena to be issued to a:

minor, who is a victim of crime, at least 72 hours before the victim is required to testify; and

[witness to testify at least 48 hours before the witness is required to testify; and]

makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-10a-13, as last amended by Laws of Utah 1997, Chapter 372

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 77-10a-13 is amended to read:

77-10a-13. Location -- Who may be present -- Witnesses -- Witnesses who are



28 **subjects -- Evidence -- Contempt -- Notice -- Record of proceedings -- Disclosure.**

29 (1) The managing judge shall designate the place where the grand jury meets. The
30 grand jury may, upon request and with the permission of the managing judge, meet and conduct
31 business any place within the state. Subject to the approval of the managing judge the grand
32 jury shall determine the times at which it meets.

33 (2) (a) Attorneys representing the state, special prosecutors appointed under Section
34 77-10a-12, the witness under examination, interpreters when needed, counsel for a witness, and
35 a court reporter or operator of a recording device to record the proceedings may be present
36 while the grand jury is in session.

37 (b) No person other than the jurors may be present while the grand jury is deliberating.

38 (3) (a) The attorneys representing the state and the special prosecutors may subpoena
39 witnesses to appear before the grand jury and may subpoena evidence in the name of the grand
40 jury without the prior approval or consent of the grand jury or the court. The jury may request
41 that other witnesses or evidence be subpoenaed.

42 (b) Subpoenas may be issued in the name of the grand jury to any person located within
43 the state and for any evidence located within the state or as otherwise provided by law.

44 ~~§~~→ [(f)] (c) ←~~§~~ A subpoena requiring a ~~§~~→ **minor, who is a** ←~~§~~ victim of a crime to
44a testify before a grand jury may not be
45 served less than 72 hours before the victim is required to testify.

46 ~~§~~→ [(ii) A subpoena requiring a witness to testify before a grand jury may not be served less
47 than 48 hours before the witness is required to testify.] ←~~§~~

48 (c) The managing judge may enter any order necessary to secure compliance with any
49 subpoena issued in the name of the grand jury.

50 (4) (a) Any witness who appears before the grand jury shall be advised, by the attorney
51 for the state or the special prosecutor, of his right to be represented by counsel.

52 (b) A witness who is also a subject as defined in Section 77-10a-1 shall at the time he
53 appears as a witness be advised:

54 (i) of his right to be represented by counsel;

55 (ii) that he is a subject;

56 (iii) that he may claim his privilege against self-incrimination; and

57 (iv) of the general scope of the grand jury's investigation.

58 (c) A witness who is also a target as defined in Section 77-10a-1 shall at the time he