

S.B. 279
GRAND JURY MODIFICATIONS

Representative **Kay L. McIff** proposes the following amendments:

1. *Page 2, Lines 42 through 49*

Senate Committee Amendments

2-28-2011:

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 ~~§~~ → [(ii)] (c) ← ~~§~~ {~~A~~} Except as provided in Subsection (3)(d), 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.] ← ~~§~~

(d) A subpoena may be served upon a minor less than 72 hours before the minor is required to testify if the managing judge finds that the minor was intentionally concealed to prevent service or that a shorter period is reasonably necessary to prevent:

(i) a risk to the minor's safety;

(ii) the concealment or removal of the minor from the jurisdiction;

(iii) intimidation or coercion of the minor or a family member of the minor; or

(iv) undue influence on the minor regarding the minor's testimony.

(e) The service requirement in Subsection (3)(c) may be asserted only by or on behalf of the minor and is not a basis for invalidation of the minor's testimony or any indictment issued by the grand jury.

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