

# H.B. 11

## GRAND JURY AMENDMENTS

Representative **LaVar Christensen** proposes the following amendments:

1. Page 2, Line 48 through Page 3, Line 64:

48 (c) ~~(A)~~ Except as provided in Subsection (3) ~~{(d)}~~ (e), a subpoena requiring a minor, who is a  
49 victim of a crime, to testify before a grand jury :

(i) may not be served less than 72 hours before the  
50 victim is required to testify :

(ii) shall be served upon the parent or guardian of the minor .

(d) If a parent of the minor is the subject of the investigation, the subpoena shall be served upon  
the other parent or another responsible adult;

51 ~~{(d)}~~ (e) A subpoena may be served upon a ~~{minor}~~ minor's parent or guardian, or  
responsible adult less than 72 hours before ~~{the}~~ a minor is  
52 required to testify if the managing judge finds that the minor was intentionally concealed to  
53 prevent service or that a shorter period is reasonably necessary to prevent:

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

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

56 (iii) intimidation or coercion of the minor or a family member of the minor; ~~{or}~~

57 (iv) undue influence on the minor regarding the minor's testimony ; or

(v) no other sufficient means is readily available to protect the minor and provide full due process  
and constitutional protections .

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

(g) The managing judge shall provide added protections to a minor as necessary and appropriate  
to ensure due process of law, including rights against self incrimination, to remain silent, and have an  
attorney present.

61 ~~{(f)}~~ (f) The managing judge may enter any order necessary to secure compliance with  
62 any subpoena issued in the name of the grand jury , subject to due process of law requirements and  
constitutional protections afforded parents and children .

63 (4) (a) Any witness who appears before the grand jury shall be advised, by the attorney  
64 for the state or the special prosecutor, of his right to be represented by counsel. Added precautions are  
required to properly advise and protect a minor.