

ASSEMBLY BILL

No. 1906

**Introduced by Assembly Member Cook
(Coauthor: Assembly Member Hagman)**

February 16, 2010

An act to add Section 904.7 to the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1906, as introduced, Cook. Additional grand juries: County of San Bernardino.

Existing law authorizes the presiding judge in any county or city and county, or the judge appointed by the presiding judge to supervise the grand jury, to impanel an additional grand jury to serve for a period of one year upon the request of the Attorney General or the district attorney or upon his or her own motion. Existing law authorizes the Presiding Judge of the Superior Court of the County of Los Angeles, or the judge appointed by the presiding judge to supervise the grand jury, to impanel up to 2 additional grand juries, who may serve for a period of one year from the date of impanelment.

This bill would authorize the Presiding Judge of the Superior Court of the County of San Bernardino, or the judge appointed by the presiding judge to supervise the grand jury, to impanel up to 2 additional grand juries, for a term to be determined by the presiding or supervising judge, in accordance with specified procedures.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 904.7 is added to the Penal Code, to read:

2 904.7. (a) Notwithstanding subdivision (a) of Section 904.6
3 or any other provision, in the County of San Bernardino, the
4 presiding judge of the superior court, or the judge appointed by
5 the presiding judge to supervise the grand jury, may, upon the
6 request of the Attorney General or the district attorney or upon his
7 or her own motion, order and direct the impanelment of up to two
8 additional grand juries pursuant to this section.

9 (b) The presiding judge or the judge appointed by the presiding
10 judge to supervise the grand jury shall select persons, at random,
11 from the list of trial jurors in civil and criminal cases and shall
12 examine them to determine if they are competent to serve as grand
13 jurors. When a sufficient number of competent persons have been
14 selected, they shall constitute an additional grand jury.

15 (c) Any additional grand juries that are impaneled pursuant to
16 this section may serve for a term as determined by the presiding
17 judge or the judge appointed by the presiding judge to supervise
18 the grand jury, but may be discharged at any time within the set
19 term by order of the presiding judge or the judge appointed by the
20 presiding judge to supervise the grand jury. In no event shall more
21 than two additional grand juries be impaneled pursuant to this
22 section at the same time.

23 (d) Whenever additional grand juries are impaneled pursuant
24 to this section, they may inquire into any matters that are subject
25 to grand jury inquiry and shall have the sole and exclusive
26 jurisdiction to return indictments, except for any matters that the
27 regular grand jury is inquiring into at the time of its impanelment.

28 (e) It is the intent of the Legislature that, in the County of San
29 Bernardino, all persons qualified for jury service shall have an
30 equal opportunity to be considered for service as criminal grand
31 jurors within the county, and that they have an obligation to serve,
32 when summoned for that purpose. All persons selected for an
33 additional criminal grand jury shall be selected at random from a
34 source or sources reasonably representative of a cross section of
35 the population that is eligible for jury service in the county.

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