

AMENDED IN SENATE APRIL 27, 2015  
AMENDED IN SENATE MARCH 19, 2015

**SENATE BILL**

**No. 227**

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**Introduced by Senator Mitchell**

February 13, 2015

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An act to amend Sections 917 and 919 of the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Mitchell. Grand juries: powers and duties.

Existing law authorizes a grand jury to inquire into all public offenses committed or triable within the county in which the grand jury is impaneled, sworn, and charged, and to present them to the court by indictment. Existing law requires a grand jury to inquire into willful or corrupt misconduct in office by a public officer in the county. *Existing law also authorizes a member of a grand jury, if he or she knows or has reason to believe that a public offense has been committed, to declare it to his or her fellow jurors, who are then authorized by existing law to investigate it.*

This bill would prohibit a grand jury from inquiring into an offense or misconduct that involves a shooting or use of excessive force by a peace officer, as specified, that led to the death of a person being detained or arrested by the ~~peace officer~~ *officer, unless the offense was declared to the grand jury by one of its members, as described above.*

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

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

1 SECTION 1. Section 917 of the Penal Code is amended to  
2 read:

3 917. (a) The grand jury may inquire into all public offenses  
4 committed or triable within the county and present them to the  
5 court by indictment.

6 (b) ~~The~~ *Except as provided in Section 918, the* grand jury shall  
7 not inquire into an offense that involves a shooting or use of  
8 excessive force by a peace officer described in Section 830.1,  
9 subdivision (a) of Section 830.2, or Section 830.39, that led to the  
10 death of a person being detained or arrested by the peace officer  
11 pursuant to Section 836.

12 SEC. 2. Section 919 of the Penal Code is amended to read:

13 919. (a) The grand jury may inquire into the case of every  
14 person imprisoned in the jail of the county on a criminal charge  
15 and not indicted.

16 (b) The grand jury shall inquire into the condition and  
17 management of the public prisons within the county.

18 (c) The grand jury shall inquire into the willful or corrupt  
19 misconduct in office of public officers of every description within  
20 the county. ~~This~~ *Except as provided in Section 918, this* subdivision  
21 does not apply to misconduct that involves a shooting or use of  
22 excessive force by a peace officer described in Section 830.1,  
23 subdivision (a) of Section 830.2, or Section 830.39, that led to the  
24 death of a person being detained or arrested by the peace officer  
25 pursuant to Section 836.