

**ASSEMBLY BILL**

**No. 1907**

---

---

**Introduced by Assembly Member Woods**

February 17, 1998

---

---

An act to amend Sections 924.4, 933, and 934 of the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1907, as introduced, Woods. Grand jury.

(1) Existing law authorizes the grand jury to transmit to the succeeding grand jury, any information or evidence acquired during the course of any investigation conducted by it, except any information that relates to a criminal investigation or that could form part or all of the basis for the issuance of an indictment.

This bill would clarify that the grand jury is authorized to provide the succeeding grand jury with any records, information, or evidence acquired by it during its term of service, except as stated above.

(2) Existing law requires a grand jury to submit a report of its finding and recommendations to the presiding judge of the superior court at the end of the fiscal or calendar year, and to file a copy of each report in the office of the county clerk.

This bill would require the grand jury also to file in the office of the county clerk, a copy of the responses to the final report. In addition, the bill would require the county clerk to forward a copy of the report and responses to the State Archivist to retain in perpetuity. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law authorizes the grand jury to seek advice from the court or judge of the court, or the district attorney or county counsel.

This bill would add the Attorney General to the list of persons from whom the grand jury may seek advice.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 924.4 of the Penal Code is  
 2 amended to read:  
 3 924.4. Notwithstanding the provisions of Sections  
 4 924.1 and 924.2, any grand jury or, if the grand jury is no  
 5 longer empaneled, the presiding or sole judge of the  
 6 superior court, may *pass on and* provide the succeeding  
 7 grand jury with any *records*, information, or evidence  
 8 acquired by the grand jury during the course of any  
 9 investigation conducted by it during its term of service,  
 10 except any information or evidence ~~which~~ *that* relates to  
 11 a criminal investigation or ~~which~~ *that* could form part or  
 12 all of the basis for issuance of an indictment. Transcripts  
 13 of testimony reported during any session of the grand jury  
 14 shall be made available to the succeeding grand jury upon  
 15 its request.  
 16 SEC. 2. Section 933 of the Penal Code is amended to  
 17 read:



1 933. (a) Each grand jury shall submit to the presiding  
2 judge of the superior court a final report of its findings and  
3 recommendations that pertain to county government  
4 matters during the fiscal or calendar year. Final reports  
5 on any appropriate subject may be submitted to the  
6 presiding judge of the superior court at any time during  
7 the term of service of a grand jury. A final report may be  
8 submitted for comment to responsible officers, agencies,  
9 or departments, including the county board of  
10 supervisors, when applicable, upon finding of the  
11 presiding judge that the report is in compliance with this  
12 title. ~~One copy of each report found to be in compliance~~  
13 ~~with this title shall be placed on file with the county clerk~~  
14 ~~and remain on file in the office of the county clerk.~~ For  
15 45 days after the end of the term, the foreperson and his  
16 or her designees shall, upon reasonable notice, be  
17 available to clarify the recommendations of the report.

18 (b) *One copy of each final report, together with the*  
19 *responses thereto, found to be in compliance with this*  
20 *title shall be placed on file with the county clerk and*  
21 *remain on file in the office of the county clerk. The county*  
22 *clerk shall immediately forward a true copy of the report*  
23 *and the responses to the State Archivist who shall retain*  
24 *that report and all responses in perpetuity.*

25 (c) No later than 90 days after the grand jury submits  
26 a final report on the operations of any public agency  
27 subject to its reviewing authority, the governing body of  
28 the public agency shall comment to the presiding judge  
29 of the superior court on the findings and  
30 recommendations pertaining to matters under the  
31 control of the governing body, and every elected county  
32 officer or agency head for which the grand jury has  
33 responsibility pursuant to Section 914.1 shall comment  
34 within 60 days to the presiding judge of the superior  
35 court, with an information copy sent to the board of  
36 supervisors, on the findings and recommendations  
37 pertaining to matters under the control of that county  
38 officer or agency head and any agency or agencies which  
39 that officer or agency head supervises or controls. In any  
40 city and county, the mayor shall also comment on the



1 findings and recommendations. All of these comments  
 2 and reports shall forthwith be submitted to the presiding  
 3 judge of the superior court who impaneled the grand  
 4 jury. A copy of all responses to grand jury reports shall be  
 5 placed on file with the clerk of the public agency and the  
 6 office of the county clerk, or the mayor when applicable,  
 7 and shall remain on file in those offices. One copy shall be  
 8 placed on file with the applicable grand jury final report  
 9 by, and in the control of the currently impaneled grand  
 10 jury, where it shall be maintained for a minimum of five  
 11 years.

12 (e)  
 13 (d) As used in this section “agency” includes a  
 14 department.

15 SEC. 3. Section 934 of the Penal Code is amended to  
 16 read:

17 934. The grand jury may, at all times, ask the advice  
 18 of the court, or the judge thereof, ~~or~~ of the district  
 19 attorney, ~~or~~ of the county counsel, *or the Attorney*  
 20 *General*. Unless such advice is asked, the judge of the  
 21 court, or county counsel, *district attorney, or Attorney*  
 22 *General* as to civil matters, shall not be present during the  
 23 sessions of the grand jury.

24 SEC. 4. Notwithstanding Section 17610 of the  
 25 Government Code, if the Commission on State Mandates  
 26 determines that this act contains costs mandated by the  
 27 state, reimbursement to local agencies and school  
 28 districts for those costs shall be made pursuant to Part 7  
 29 (commencing with Section 17500) of Division 4 of Title  
 30 2 of the Government Code. If the statewide cost of the  
 31 claim for reimbursement does not exceed one million  
 32 dollars (\$1,000,000), reimbursement shall be made from  
 33 the State Mandates Claims Fund.

34 Notwithstanding Section 17580 of the Government  
 35 Code, unless otherwise specified, the provisions of this act  
 36 shall become operative on the same date that the act  
 37 takes effect pursuant to the California Constitution.

O

