

AMENDED IN SENATE MARCH 23, 2000

SENATE BILL

No. 1591

Introduced by Senator Knight

February 18, 2000

An act to add Section 924.8 to the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

SB 1591, as amended, Knight. Grand juries: records.

(1) Existing law provides for the appointment and discharge of grand juries, as specified, and generally regulates the retention of court records.

This bill would require a court, upon discharging a grand jury, to ~~seal all records, testimony, and other documents collected by the grand jury during its investigations; would prohibit the court from destroying them for a period of one year; and would provide that, during the period they are retained, any person who served on the grand jury shall be granted access to those records, testimony, and documents if he or she states under penalty of perjury that they are needed in the defense of an action for defamation~~ *preserve all records, testimony, and other documents collected by the grand jury during its civil investigations which are relevant to its final report and may not destroy them, if a cause of action for defamation is filed against any person who served on the grand jury within a period of one year, for so long as that cause of action is pending. During the period they are retained, any person who served on the grand jury or who is named in the final report shall be granted access to those records,*

testimony, and documents to the extent the court having jurisdiction of that cause of action finds in camera that they are relevant to, and needed in, the prosecution or defense of the action for defamation.

The bill would impose a state-mandated local program by ~~expanding the definition of perjury imposing new duties on court officials.~~

(2) ~~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. 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.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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 924.8 is added to the Penal Code,
2 to read:
3 924.8. ~~Except as otherwise required by law, upon~~
4 ~~discharging a grand jury the court shall seal all records,~~
5 ~~testimony, and other documents collected by the grand~~
6 ~~jury during its investigations and may not destroy them~~
7 ~~for a period of one year. During the period they are~~
8 ~~retained, any person who served on the grand jury shall~~
9 ~~be granted access to those records, testimony, and~~
10 ~~documents if he or she states under penalty of perjury~~



1 ~~that they are needed in the defense of an action for~~
2 ~~defamation.~~

3 ~~SEC. 2. No reimbursement is required by this act~~
4 ~~pursuant to Section 6 of Article XIII B of the California~~
5 ~~Constitution because the only costs that may be incurred~~
6 ~~by a local agency or school district will be incurred~~
7 ~~because this act creates a new crime or infraction,~~
8 ~~eliminates a crime or infraction, or changes the penalty~~
9 ~~for a crime or infraction, within the meaning of Section~~
10 ~~17556 of the Government Code, or changes the definition~~
11 ~~of a crime within the meaning of Section 6 of Article~~
12 ~~XIII B of the California Constitution.~~

13 *924.8. Except as otherwise required by law, upon*
14 *discharging a grand jury the court shall preserve all*
15 *records, testimony, and other documents collected by the*
16 *grand jury during its civil investigations which are*
17 *relevant to its final report and may not destroy them, if*
18 *a cause of action for defamation is filed against any person*
19 *who served on the grand jury within a period of one year*
20 *of that discharge, for so long as that cause of action is*
21 *pending. During the period they are retained, any person*
22 *who served on the grand jury or who is named in the final*
23 *report shall be granted access to those records, testimony,*
24 *and documents, to the extent the court having*
25 *jurisdiction of that cause of action finds in camera that*
26 *they are relevant to, and needed in, the prosecution or*
27 *defense of the action for defamation.*

28 *SEC. 2. Notwithstanding Section 17610 of the*
29 *Government Code, if the Commission on State Mandates*
30 *determines that this act contains costs mandated by the*
31 *state, reimbursement to local agencies and school*
32 *districts for those costs shall be made pursuant to Part 7*
33 *(commencing with Section 17500) of Division 4 of Title*
34 *2 of the Government Code. If the statewide cost of the*
35 *claim for reimbursement does not exceed one million*
36 *dollars (\$1,000,000), reimbursement shall be made from*
37 *the State Mandates Claims Fund.*

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