

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Charles A. Murphy, David P. Linsky

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act allowing for a statewide grand jury.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David P. Linsky	5th Middlesex
Charles A. Murphy	21st Middlesex
James Dwyer	30th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1600 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ALLOWING FOR A STATEWIDE GRAND JURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act shall be known and may be cited as the statewide grand jury act.

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3 SECTION 2. Upon written application of the attorney general to the chief justice of the Superior Court Department,
4 with good cause stated therein, the chief justice may authorize the convening of a statewide grand jury with
5 jurisdiction extending throughout the Commonwealth of Massachusetts.

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7 SECTION 3. The chief justice of the Superior Court Department shall, upon granting an application, receive
8 recommendations from the attorney general as to the county in which the statewide grand jury shall sit. Upon
9 receiving the attorney general's recommendations, the chief justice will choose one of those recommended locations
10 as the site where the grand jury shall sit. Once a county has been selected, the chief justice shall direct the regional
11 administrative judge from the county selected to appoint, and reappoint as necessary, a superior court judge to
12 preside over the statewide grand jury.

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14 SECTION 4. The presiding superior court judge shall consult with the attorney general and district attorney for
15 the relevant district about the nature and scope of the investigation, and shall thereafter designate and authorize an
16 existing county grand jury to serve as a statewide grand jury for purposes of the investigation specified in the written
17 application, or, alternatively, convene and preside over a specially empaneled statewide grand jury.

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19 SECTION 5. A specially empaneled statewide grand jury shall be drawn and selected in the same manner as the
20 county grand jury in the county in which the specially empaneled statewide grand jury sits. A specially empaneled
21 statewide grand jury may, at the discretion of the presiding superior court judge, draw jurors from counties adjoining
22 the one in which it is to sit.

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24 SECTION 6. A specially empaneled statewide grand jury convened pursuant to this act shall sit for a period not
25 to exceed six months. Such period may be extended if, in accordance with General Laws chapter 277, section 1A,
26 and General Laws chapter 234A, section 41, public necessity requires further time by the grand jury to complete an
27 investigation then in progress.

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29 SECTION 7. The attorney general or his assistant shall attend each session of a statewide grand jury, and may
30 prosecute any indictment returned by it. The attorney general or his assistant shall have the same powers and duties
31 in relation to a statewide grand jury that he has in relation to a county grand jury, except as otherwise provided by
32 law.

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34 SECTION 8. Indictments shall be returned in the county where the statewide grand jury sits, and shall
35 thereafter be transferred to the county specified by the grand jury on the indictment. Venue for purposes of trial of
36 offenses indicted by a statewide grand jury shall be in any county where venue would otherwise be proper.

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38 SECTION 9. No provision of this act shall be construed as limiting the jurisdiction of county grand juries or
39 district attorneys in the Commonwealth. Except as otherwise provided by law, an investigation by a statewide grand
40 jury shall not be deemed to preempt an investigation by any other grand jury or agency having jurisdiction over the
41 same subject matter.

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