

SENATE BILL REPORT

SB 6194

As of January 31, 1996

Title: An act relating to malfeasance by government officials.

Brief Description: Authorizing grand juries to investigate government malfeasance.

Sponsors: Senators Roach, Swecker and Schow.

Brief History:

Committee Activity: Law & Justice: 2/1/96.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Cynthia Runger (786-7717)

Background: A grand jury consists of 12 individuals who are impaneled by the superior court. Its functions are to hear, examine, and investigate evidence concerning criminal activity and corruption and to take action with respect to such evidence. The court reporter, court staff, interpreter, jurors and attorneys are sworn to secrecy. A grand jury is summoned when a majority of a county's superior court judges find sufficient evidence of criminal activity or corruption within the county, or when requested by a public attorney or corporate counsel upon a showing of good cause.

Official misconduct is a gross misdemeanor.

Summary of Bill: In the case of official misconduct, a county prosecuting attorney may request, or a citizen may petition, the court within the county to summon a grand jury when there is sufficient evidence that a public servant engaged in official misconduct. If a request is from a county prosecuting attorney, the court must summon a grand jury unless it finds the request to be frivolous. If the request is from a citizen, the presiding judge must find that the petition alleges sufficient facts that, if proven, would constitute prima facie evidence of government malfeasance and that the circumstances of the petition provide sufficient indicia of reliability.

Official misconduct is a class C felony.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.