

## **CHAPTER 29-10.2 STATE GRAND JURY**

### **29-10.2-01. Definition.**

As used in this chapter, "organized crime" means racketeering, as defined in section 12.1-06.1-01, or any combination or conspiracy of two or more persons to engage in criminal activity as a significant source of income or livelihood, or to violate, aid, or abet the violation of criminal laws relating to prostitution, gambling, loansharking, drug abuse, illegal alcohol or drug distribution, counterfeiting, extortion, or corruption of law enforcement officers or other public officers or employees.

### **29-10.2-02. Attorney general to request state grand jury - District court to impanel jury.**

Whenever the attorney general considers it to be in the public interest to convene a grand jury with jurisdiction extending beyond the boundaries of any single county, the attorney general shall petition a judge of the district court for an order impaneling a state grand jury. The judge shall, upon good cause shown, order the impaneling of a state grand jury which has jurisdiction to investigate and indict for crimes committed anywhere within the state. In determining good cause for impaneling a state grand jury, the judge shall require a showing that the matter concerns multicounty criminal activities which involves organized crime as that term is defined herein or corruption of law enforcement officers or other public officers, officials, or employees. The authority and powers granted to the attorney general by this chapter do not supplant or diminish the authority and powers as set out in chapter 29-10.1.

### **29-10.2-03. Impaneling state grand jury - Selection - Composition.**

The judge granting the order to impanel a state grand jury shall determine the counties from which the grand jurors are to be selected with due regard for the expense involved and the inconvenience of travel. The judge granting the order for a state grand jury shall notify the clerk of district court of each county from which the judge intends to select the members of the state grand jury. Upon receipt of the notice to impanel a state grand jury, each clerk of district court shall prepare a list of nine prospective state grand jurors from existing county jury lists in the manner provided by chapter 27-09.1, and forward the clerk's state grand jury list to the clerk of district court of the county in which the order to impanel a state grand jury was granted. The judge granting the order shall impanel the state grand jury from such lists. A state grand jury must be composed of not less than eight nor more than eleven persons and each grand juror shall possess the qualifications of jurors within their respective counties as provided by law. However, not more than one-half of the members may be residents of one county. The members of the state grand jury must be selected and the foremen appointed in the manner provided by chapter 29-10.1 and shall serve a term or terms as provided therein.

### **29-10.2-04. Summoning jurors - Presentation of evidence - Return of indictments.**

1. State grand jurors must be summoned in the same manner and must be governed by the same provisions as jurors of county grand juries. Judicial supervision of the state grand jury must be maintained by the judge who granted the order impaneling the state grand jury in the same manner as with county grand juries. All indictments or other formal returns of any kind made by the state grand jury must be returned to that judge. An indictment may be found only upon the concurrence of at least six jurors.
2. The presentation of the evidence must be made to a state grand jury by the attorney general, an assistant attorney general, or special counsel appointed by the attorney general.
3. Any indictment by a state grand jury must be returned to the supervising judge without any designation of venue. Thereupon the judge shall designate the county of venue for the purposes of trial.

**29-10.2-05. Grand jury investigations - Confidentiality - Exceptions.**

1. In addition to its power of indictment, a state grand jury impaneled under this chapter may, at the request of the attorney general, cause an investigation to be made into the extent of multicounty criminal activity which involves organized crime as defined herein or corruption of law enforcement officers or other public officers, officials, or employees.
2. Disclosure of any matters occurring before a state grand jury, other than its deliberation and the vote of any juror, may be made to the attorney general for use in the performance of the attorney general's duties. The attorney general may disclose so much of the state grand jury's proceedings to law enforcement agencies as the attorney general considers essential to the public interest and effective law enforcement.
3. A report or presentment of a state grand jury relating to an individual which is not accompanied by a true bill of indictment may not be made public or be published until the individual concerned has been furnished a copy of the report and given thirty days to file with the district court a motion to suppress or seal the report or a portion that is improper and unlawful. The motion, whether granted or denied, automatically acts as a stay of public announcement of the report, or portion of the report, until the district court's ruling on the motion is either affirmed or denied by an appellate court, or until the time in which the order may be appealed has expired, whichever occurs first. The report or portion of the report which is suppressed or sealed may not be opened even by order of the court.

**29-10.2-06. Juror fees and expenses.**

1. State grand jurors, in addition to receiving the juror fee provided by law for petit jurors, must be reimbursed for necessary expenses on a per diem basis in the same manner and at the same rate as state employees.
2. The costs and expenses incurred in impaneling a state grand jury and in the performance of its functions and duties must be paid by the state out of funds appropriated to the attorney general.