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------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-1024 Grand juries: peace officers: proceedings. (2017-2018)

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Assembly Bill No. 1024

CHAPTER 204

An act to amend Section 924.6 of the Penal Code, relating to grand juries.

[Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1024, Kiley. Grand juries: peace officers: proceedings.

Existing law permits a grand jury to inquire into all public offenses committed or triable within the county and present them to the court by indictment. If no indictment is returned, existing law allows the court that impaneled the grand jury to disclose all or part of the testimony of a witness before the grand jury to a defendant and the prosecutor in connection with any pending or subsequent criminal proceeding.

This bill would require a court to disclose all or a part of a grand jury indictment proceeding transcript, excluding the grand jury's private deliberations and voting, if the grand jury decides not to return an indictment in a grand jury inquiry into an offense that involves a shooting or use of excessive force by a peace officer, as defined, that led to the death of a person being detained or arrested by the peace officer, except as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 924.6 of the Penal Code is amended to read:

924.6. (a) If no indictment is returned, the court that impaneled the grand jury shall, upon application of either party, order disclosure of all or part of the testimony of a witness before the grand jury to a defendant and the prosecutor in connection with any pending or subsequent criminal proceeding before any court if the court finds following an in camera hearing, which shall include the court's review of the grand jury's testimony, that the testimony is relevant, and appears to be admissible.

(b) If a grand jury decides not to return an indictment in a grand jury inquiry into an offense that involves a shooting or use of excessive force by a peace officer described in Section 830.1, subdivision (a) of Section 830.2, or Section 830.39, that led to the death of a person being detained or arrested by the peace officer pursuant to Section 836, the court that impaneled the grand jury shall, upon application of the district attorney, a legal representative of the decedent, or a legal representative of the news media or public, and with notice to the district attorney and the affected witness involved, and an opportunity to be heard, order disclosure of all or part of the indictment proceeding transcript, excluding the grand jury's private deliberations and voting, to the movant, unless the court expressly finds, following an in camera hearing, that there exists an overriding interest that outweighs the right of public access to the record, the overriding interest supports sealing the record, a substantial probability exists that the

overriding interest will be prejudiced if the record is not sealed, the proposed sealing is narrowly tailored, and no less restrictive means exist to achieve the overriding interest.