

By: Senator(s) Wiggins

To: Judiciary, Division A

SENATE BILL NO. 2748

1 AN ACT TO EXTEND THE REPEALER ON SECTIONS 13-7-1 THROUGH
2 13-7-47, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE GRAND
3 JURY ACT AND PROVIDE FOR THE OPERATION OF THE STATE GRAND JURY; TO
4 AMEND SECTION 13-7-3, MISSISSIPPI CODE OF 1972, TO CONFORM; TO
5 AMEND REENACTED SECTION 13-7-7, MISSISSIPPI CODE OF 1972, TO
6 EXPAND THE SUBJECT MATTER JURISDICTION OF THE STATE GRAND JURY; TO
7 REMOVE THE REQUIREMENT THAT THE CRIMES MUST OCCUR WITHIN MORE THAN
8 ONE CIRCUIT COURT DISTRICT OR HAVE TRANSPIRED OR HAVE SIGNIFICANCE
9 IN MORE THAN ONE CIRCUIT COURT DISTRICT OF THIS STATE; TO
10 AUTHORIZE THE ATTORNEY GENERAL TO NOTIFY THE PANEL JUDGE INSTEAD
11 OF PETITIONING THE JUDGE; TO REQUIRE THE PANEL JUDGE TO IMPANEL A
12 JURY WITHIN 30 DAYS OF RECEIVING NOTICE FROM THE ATTORNEY GENERAL;
13 TO REMOVE THE AUTHORITY OF PANEL JUDGE TO LIMIT THE AUTHORITY OF
14 THE INVESTIGATION OF THE STATE GRAND JURY; TO AMEND SECTION
15 13-7-15, MISSISSIPPI CODE OF 1972, TO AMEND THE QUALIFICATIONS OF
16 JURORS FOR THE STATE GRAND JURY; TO AMEND SECTION 13-7-23,
17 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PANEL JUDGE TO DENY
18 REQUEST TO AMEND THE NOTICE AND ORDER IMPANELING THE GRAND JURY;
19 TO AMEND SECTION 13-7-41, MISSISSIPPI CODE OF 1972, TO DELETE THE
20 AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY AND THE MISSISSIPPI
21 BUREAU OF NARCOTICS TO PROVIDE SPACE FOR THE STATE GRAND JURY; TO
22 REQUIRE LOCAL GOVERNMENT OFFICIALS AND LAW ENFORCEMENT SHALL
23 COOPERATE TO ASSIST IN PROVIDING ACCOMMODATION OF THE STATE GRAND
24 JURY; TO REPEAL SECTION 13-7-49, MISSISSIPPI CODE OF 1972, WHICH
25 PROVIDES THAT NOTHING IN THE STATE GRAND JURY ACT SHALL BE
26 CONSTRUED AS AMENDING, REPEALING OR SUPERSEDING ANY OTHER LAW OF
27 THIS STATE GOVERNING THE POWERS AND DUTIES OF COUNTY GRAND JURORS,
28 DISTRICT ATTORNEYS OR LAW ENFORCEMENT AGENCIES OR OTHER OFFICIALS
29 WITH REGARD TO THEIR AUTHORITY TO INVESTIGATE, INDICT OR PROSECUTE
30 OFFENSES THAT ARE PRESCRIBED BY THIS CHAPTER AS WITHIN THE
31 JURISDICTION OF THE STATE GRAND JURY; TO CREATE NEW SECTION
32 13-7-51, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE
33 OF THE REPEALER ON THE STATE GRAND JURY ACT; TO AMEND SECTION
34 99-11-3, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE



35 REPEALER ON THE PROVISION OF LAW RELATING TO VENUE FOR INDICTMENTS
36 BY THE STATE GRAND JURY; TO AMEND SECTION 27, CHAPTER 553, LAWS OF
37 1993, AS LAST AMENDED BY CHAPTER 526, LAWS OF 2014, TO DELETE THE
38 REPEALER, WHICH IS BEING CODIFIED IN NEW SECTION 13-7-51,
39 MISSISSIPPI CODE OF 1972, FROM THE EFFECTIVE DATE SECTION OF THE
40 ENABLING LEGISLATION THAT CREATED THE STATE GRAND JURY ACT; AND
41 FOR RELATED PURPOSES.

42 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

43 **SECTION 1.** Section 13-7-3, Mississippi Code of 1972, is
44 amended as follows:

45 13-7-3. For purposes of this chapter:

46 (a) The phrase "Attorney General or his designee" also
47 includes:

48 (i) The Attorney General or his designees;

49 (ii) The Attorney General and his designee or
50 designees.

51 (b) The term "impaneling judge" means any senior
52 circuit court judge of any circuit court district who, upon * * *
53 notice by the Attorney General, impanels a state grand jury under
54 the provisions of this chapter and shall also include any
55 successor to such judge as provided by law.

56 **SECTION 2.** Section 13-7-7, Mississippi Code of 1972, is
57 amended as follows:

58 13-7-7. (1) The jurisdiction of a state grand jury
59 impaneled under this chapter extends throughout the state. The
60 subject matter jurisdiction of a state grand jury in all cases is
61 limited to offenses involving:

62 (a) Any and all conduct made unlawful by the
63 Mississippi Uniform Controlled Substances Law or any other



64 provision of law involving narcotics, dangerous drugs or
65 controlled substances, or any crime arising out of or in
66 connection with a crime involving narcotics, dangerous drugs or
67 controlled substances * * *;

68 (b) Officer-involved shootings;

69 (c) Embezzlement and fraud investigated by the State
70 Auditor where a district attorney has decided not to present a
71 case;

72 (d) Public corruption brought by the Attorney General's
73 Office; and

74 (e) Any attempt, aiding, abetting, solicitation or
75 conspiracy to commit any of the aforementioned crimes * * *.

76 (2) * * * The Attorney General * * * shall notify in writing
77 to the senior circuit court judge of any circuit court district in
78 this state * * * that he or she wishes to convene a state grand
79 jury. For the purposes of this chapter, such judge shall be
80 referred to as the impaneling judge. The * * * notice shall be
81 filed in the applicable circuit court and shall provide the
82 following:

83 (a) The type of offenses to be inquired into;

84 (b) That the state grand jury has jurisdiction to
85 consider such matters; and

86 * * *



87 (* * *c) That the Attorney General has * * * noticed
88 the appropriate district attorney for each jurisdiction in which
89 the crime or crimes are alleged to have occurred.

90 (3) Within thirty (30) days of the filing of the notice, the
91 impaneling judge * * * shall order the impanelment of a state
92 grand jury in accordance with the * * * notice for a term of * * *
93 six (6) calendar months. Upon petition by the Attorney General,
94 the impaneling judge, by order, may extend the term of that state
95 grand jury for a period of six (6) months, but the term of that
96 state grand jury, including any extension thereof, shall not
97 exceed * * * eighteen (18) calendar months.

98 (4) The impaneling judge shall preside over the state grand
99 jury until its discharge.

100 (5) The impaneling judge may discharge a state grand jury
101 prior to the end of its original term or any extensions thereof,
102 upon a determination that its business has been completed, or upon
103 the request of the Attorney General.

104 * * *

105 **SECTION 3.** Section 13-7-15, Mississippi Code of 1972, is
106 amended as follows:

107 13-7-15. After the impaneling judge orders a term for the
108 state grand jury * * *, the impaneling judge shall order that the
109 circuit clerk for each county shall proceed to draw at random from
110 the jury box as provided by Section 13-5-26, the name of one (1)
111 voter of such county for each two thousand (2,000) voters or



112 fraction thereof registered in such county and shall place these
113 names on a list. The circuit clerk shall not disqualify or excuse
114 any individual whose name is drawn. When the list is compiled,
115 the clerk of the circuit court for each county shall forward the
116 list to the clerk of the state grand jury. Upon receipt of all
117 the lists from the clerks of the circuit courts, the clerk of the
118 state grand jury shall place all the names so received upon a list
119 which shall be known as the master list.

120 The impaneling judge shall order the clerk of the state grand
121 jury to produce the master list and shall direct the random
122 drawing of the names of one hundred (100) persons from the master
123 list. The names drawn shall be given to the clerk of the state
124 grand jury who shall cause each person drawn for service to be
125 served with a summons either personally by the sheriff of the
126 county where the juror resides or by mail, addressed to the juror
127 at his usual residence, business or post office address, requiring
128 him to report for state grand jury service at a specified time and
129 place as designated by the impaneling judge. From the one hundred
130 (100) persons summoned, a state grand jury shall be drawn for that
131 term consisting of twenty (20) persons. State grand jurors must
132 be drawn in the same manner as jurors are drawn for service on the
133 county grand jury.

134 All qualified persons shall be liable to serve as state grand
135 jurors, unless excused by the court for one (1) of the following
136 causes:



137 (a) When the juror is ill, or when on account of
138 serious illness in the juror's family, the presence of the juror
139 is required at home; or

140 * * *

141 (* * *b) When the juror is under an emergency, * * *
142 as determined by the paneling judge.

143 An excuse of illness under paragraph (a) may be made to the
144 state grand jury clerk outside of open court by providing the
145 clerk with either a certificate of a licensed physician or an
146 affidavit of the juror, stating that the juror is ill or that
147 there is a serious illness in the juror's family. * * * In cases
148 of an excuse under * * * paragraph (b) * * *, the excuse must be
149 made by the juror, in open court, under oath.

150 It shall be unlawful for any employer or other person to
151 persuade or attempt to persuade any juror to avoid jury service,
152 or to intimidate or to threaten any juror in that respect. So to
153 do shall be deemed an interference with the administration of
154 justice and a contempt of court and punishable as such.

155 * * *

156 The state grand jurors shall be charged by the impaneling
157 judge as to their authority and responsibility under the law and
158 each juror shall be sworn pursuant to Section 13-5-45. Nothing in
159 this section shall be construed as limiting the right of the
160 Attorney General or his designee to request that a potential state
161 grand juror be excused for cause. The jury selection process



162 shall be conducted by the impaneling judge. Jurors of a state
163 grand jury shall receive reimbursement for travel and mileage as
164 provided for state employees by Section 25-3-41 and shall be paid
165 per diem compensation in the amount provided by Section 25-3-69.
166 All compensation and expenses for meals and lodging of state grand
167 jurors shall be paid out of any available funds appropriated for
168 that purpose.

169 **SECTION 4.** Section 13-7-23, Mississippi Code of 1972, is
170 amended as follows:

171 13-7-23. Once a state grand jury has entered into a term,
172 the * * * notice and order establishing and impaneling the state
173 grand jury may be amended as often as necessary and appropriate so
174 as to expand the areas of inquiry authorized by the order or to
175 add additional areas of inquiry thereto, consistent with the
176 provisions of this chapter. The procedures for amending this
177 authority are the same as those for filing the original * * *
178 notice and order, except the impaneling judge may deny such
179 additional request.

180 **SECTION 5.** Section 13-7-41, Mississippi Code of 1972, is
181 amended as follows:

182 13-7-41. The Attorney General shall * * * determine
183 available suitable space for state grand juries to meet. * * *
184 Local government officials and law enforcement shall cooperate to
185 assist in providing accommodation. Failure to do so shall result



186 in a referral to their governing authority for failure to carry
187 out their duties.

188 **SECTION 6.** Section 13-7-49, Mississippi Code of 1972, which
189 provides that nothing in this chapter shall be construed as
190 amending, repealing or superseding any other law of this state
191 governing the powers and duties of county grand jurors, district
192 attorneys or law enforcement agencies or other officials with
193 regard to their authority to investigate, indict or prosecute
194 offenses that are prescribed by this chapter as within the
195 jurisdiction of the state grand jury, is repealed.

196 **SECTION 7.** The following shall be codified as Section
197 13-7-51, Mississippi Code of 1972:

198 13-7-51. This chapter shall stand repealed on July 1, 2027.

199 **SECTION 8.** Section 99-11-3, Mississippi Code of 1972, is
200 amended as follows:

201 99-11-3. (1) The local jurisdiction of all offenses, unless
202 otherwise provided by law, shall be in the county where committed.
203 But, if on the trial the evidence makes it doubtful in which of
204 several counties, including that in which the indictment or
205 affidavit alleges the offense was committed, such doubt shall not
206 avail to procure the acquittal of the defendant.

207 (2) The provisions of subsection (1) of this section shall
208 not apply to indictments returned by a state grand jury. The
209 venue of trials for indictments returned by a state grand jury



210 shall be as provided by the State Grand Jury Act. This subsection
211 shall stand repealed from and after July 1, * * * 2027.

212 **SECTION 9.** Section 27, Chapter 553, Laws of 1993, as amended
213 by Chapter 382, Laws of 1998, as amended by Chapter 480, Laws of
214 1999, as amended by Chapter 471, Laws of 2002, as amended by
215 Chapter 506, Laws of 2005, as amended by Chapter 337, Laws of
216 2011, as amended by Chapter 526, Laws of 2014, is amended as
217 follows:

218 Section 27. This act shall take effect and be in force from
219 and after its passage * * *.

220 **SECTION 10.** Sections 7 through 9 of this act shall take
221 effect and be in force from and after its passage. Sections 1
222 through 6 of this act shall take effect and be in force from and
223 after the date Senate Concurrent Resolution No. ____, 2022 Regular
224 Session, proposing an amendment to Section 33 of the 437
225 Mississippi Constitution of 1890, is approved by the voters.

