

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 242

Short Title: White Collar Investigation. (Public)

Sponsors: Representatives Faircloth and Stam (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary I, if favorable, Appropriations.

March 17, 2015

A BILL TO BE ENTITLED
AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE
GRAND JURY MAY BE CONVENED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-622 reads as rewritten:

"§ 15A-622. Formation and organization of grand juries; other preliminary matters.

...

(h) A written petition for convening of grand jury under this section may be filed by the
district attorney, the district attorney's designated assistant, or a special prosecutor requested
pursuant to G.S. 114-11.6, with the approval of a committee of at least three members of the
North Carolina Conference of District Attorneys, and with the concurrence of the Attorney
General, with the Clerk of the North Carolina Supreme Court. The Chief Justice shall appoint a
panel of three judges to determine whether to order the grand jury convened. A grand jury
under this section may be convened if the three-judge panel determines that:

- (1) The petition alleges the commission of or a conspiracy to commit a violation
of G.S. 90-95(h) or G.S. 90-95.1, any of the crimes listed in subsection (i) of
this section, any part of which violation or conspiracy occurred in the county
where the grand jury sits, and that persons named in the petition have
knowledge related to the identity of the perpetrators of those crimes but will
not divulge that knowledge voluntarily or that such persons request that they
be allowed to testify before the grand jury; and
(2) The affidavit sets forth facts that establish probable cause to believe that the
crimes specified in the petition have been committed and reasonable grounds
to suspect that the persons named in the petition have knowledge related to
the identity of the perpetrators of those crimes.

The affidavit shall be based upon personal knowledge or, if the source of the information
and basis for the belief are stated, upon information and belief. The panel's order convening the
grand jury as an investigative grand jury shall direct the grand jury to investigate the crimes and
persons named in the petition, and shall be filed with the Clerk of the North Carolina Supreme
Court. A grand jury so convened retains all powers, duties, and responsibilities of a grand jury
under this Article. The contents of the petition and the affidavit shall not be disclosed. Upon
receiving a petition under this subsection, the Chief Justice shall appoint a panel to determine
whether the grand jury should be convened as an investigative grand jury.

A grand jury authorized by this subsection may be convened from an existing grand jury or
grand juries authorized by subsection (b) of this section or may be convened as an additional



1 grand jury to an existing grand jury or grand juries. Notwithstanding subsection (b) of this  
2 section, grand jurors impaneled pursuant to this subsection shall serve for a period of 12  
3 months, and, if an additional grand jury is convened, 18 persons shall be selected to constitute  
4 that grand jury. At any time for cause shown, the presiding superior court judge may excuse a  
5 juror temporarily or permanently, and in the latter event the court may impanel another person  
6 in place of the juror excused.

7 (i) An investigative grand jury may be convened pursuant to subsection (h) of this  
8 section if the petition alleges the commission of, attempt to commit or solicitation to commit,  
9 or a conspiracy to commit a ~~violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12~~  
10 ~~(involuntary servitude), or G.S. 14-43.13 (sexual servitude)~~, any of the following:

11 (1) A violation of G.S. 90-95(h) or G.S. 90-95.1.

12 (2) A violation of Article 29 or 30 of Chapter 14 of the General Statutes  
13 (relating to bribery and obstructing justice), G.S. 14-228 (buying and selling  
14 of offices), G.S. 14-230 (failing to discharge duties), or G.S. 14-234 (public  
15 officers or employees benefiting from public contracts).

16 (3) A violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary  
17 servitude), or G.S. 14-43.13 (sexual servitude).

18 (j) Any grand juror who serves the full term of service under subsection (b) or  
19 subsection (h) of this section shall not be required to serve again as a grand juror or as a juror  
20 for a period of six years."

21 **SECTION 2.** This act becomes effective October 1, 2015.