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Transcriber's Office

February 19, 1999 LB 72

Legislative Journal.)

SPEAKER KRISTENSEN: Senator Chambers, you're recognized to open on your motion to return.

SENATOR CHAMBERS: Thank you, Mr. Speaker, and members of the Legislature, this bill relates to the activities in which an alternate grand juror can participate. If you look at LB 72, you'll see it is very spare and sparse in terms of the language used as the bill stands. What the current form of the bill would say is that the alternate jurors shall sit with the grand jury and participate in all proceedings to the same extent as the regular grand jurors but shall take no part in deliberation. I received written communication from John Grant, who served as the special prosecutor of the last grand jury called to investigate a police shooting in Omaha. He offered some language which I think is very appropriate, so if you want to look on your gadget, you can see it, or turn to page 493 of the Journal. Because I like to make a complete record on a bill such as this, I'm going to state for the record what the amendment will do, but before I read the exact language, I will give an overview. There are two phases of activity in which the grand jury engages. The first is the evidence gathering or investigative phase. That's where witnesses are called, evidence is produced in the form of documents or whatever other form. After that gathering of evidence is completed, then the regular grand jurors go off wherever they take them, maybe in another room or whatever, and begin formal deliberations, and the term "deliberations" in that sense means that they review all that has been presented by way of evidence, and will determine through their votes whether an indictment should be handed up or a no true bill handed up, which would mean no indictment. Now I'm going to read the language of the amendment, and you'll see how it ties into that purpose. On page 2, in line 21, after the word "all", we insert the word "investigative" to make it clear that the participation of alternate grand jurors, which will be of the same type and variety of that as regular grand jurors, will relate only to the investigative phase. Mr. Grant was of the opinion, and I agree with him, that without declaring activities in which the alternates can participate, there could still be some ambiguity or unclearness in the way that the bill currently is drafted.