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SENATE BILL 796

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO GRAND JURIES; AMENDING PROVISIONS REGARDING ASSISTANCE PROVIDED TO A GRAND JURY BY A DISTRICT ATTORNEY OR THE ATTORNEY GENERAL; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-6-7 NMSA 1978 (being Laws 1969, Chapter 276, Section 7, as amended) is amended to read:

"31-6-7. ASSISTANCE FOR GRAND JURY--REPORT. --

A. The district court shall assign ~~[court reporters, bailiffs, interpreters, clerks or other persons as required]~~ necessary personnel to aid the grand jury in carrying out its duties. ~~[The attorney general, when requested by the district court, shall assist the grand jury.]~~

The district attorney or his assistants shall attend the grand jury, examine witnesses and prepare indictments, reports and

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1 other undertakings of the grand jury. [~~The prosecuting~~
2 ~~attorney shall conduct himself in a fair and impartial manner~~
3 ~~at all times when assisting the grand jury.~~]

4 B. When engaged in the investigation of an offense
5 over which he has jurisdiction, the attorney general or his
6 assistants may attend a grand jury, examine witnesses and
7 prepare indictments, reports and other undertakings of the
8 grand jury.

9 C. When a grand jury is convened in response to a
10 citizens' grand jury petition pursuant to Article 2, Section
11 14 of the constitution of New Mexico, the district attorney or
12 his assistants, unless otherwise disqualified, shall attend
13 and conduct the grand jury.

14 D. A prosecuting attorney attending a grand jury
15 shall conduct himself in a fair manner at all times when
16 assisting the grand jury.

17 E. A grand jury, in its discretion, may make a
18 formal, written report as to the condition and operation of
19 any public office or institution it has investigated. The
20 report shall not charge any public officer or other person
21 with willful misconduct, corruption or malfeasance unless an
22 indictment or accusation for removal from public office is
23 also returned by the grand jury. The right of every person to
24 be properly charged, face his accusers and be heard in his
25 defense in open court shall not be circumvented by the

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report. "

Section 2. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2001.

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