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A.C.A. § 16-85-501 (2011)

**16-85-501. Appointment of foreman and clerk.**

(a) The court shall appoint one of the number of every **grand jury** as foreman.

(b) Every **grand jury** may appoint one of the members to be clerk, to preserve and keep minutes of their proceedings and of the evidence given before them.

(1) However, the presiding judge of the circuit court, at his or her discretion, may require the official court reporter in counties where provision is not otherwise made for a reporter to report the proceedings of the **grand jury**, to attend all or any sessions of the **grand jury** of the court, and to make reports of the proceedings of the **grand jury** at such sessions or such part of the proceedings as the judge of the court may direct, and to furnish to the prosecuting attorney, as promptly as practicable, transcribed, typewritten copies of all or such part of the proceedings so reported as the judge or the prosecuting attorney may request.

(2) Court reporters attending sessions of the **grand jury** shall be subject to the same penalties as are prescribed by law for any person divulging, except as authorized by law, any part of the proceedings of the **grand jury**.

(3) The official reporters of circuit courts are required to perform the duties imposed upon them in accordance with the provisions of this subsection, in addition to their other duties, and without additional compensation.

**HISTORY:** Rev. Stat., ch. 45, § 62; Crim. Code, § 406; Acts 1871, No. 49, § 1 [406], p. 255; C. & M. Dig., §§ 2978, 2980; Acts 1933, No. 29, § 1; Pope's Dig., §§ 3800, 3802; A.S.A. 1947, §§ 43-903, 43-905.

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A.C.A. § 16-85-502 (2011)

**16-85-502. Minutes.**

The minutes of the proceedings and evidence shall be delivered to the prosecuting attorney when directed by the grand jury.

**HISTORY:** Rev. Stat., ch. 45, § 62; C. & M. Dig., § 2981; Pope's Dig., § 3803; A.S.A. 1947, § 43-906.

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A.C.A. § 16-85-503 (2011)

**16-85-503. Scope of inquiry.**

(a) The grand jury must inquire:

(1) Into the case of every person imprisoned in the county jail or detention facility or on bail who has not been charged by indictment or information within sixty (60) days of arrest;

(2) Into the condition and management of the public prisons of the county; and

(3) Into the willful and corrupt misconduct in office of public officers of every description in the county.

(b) The grand jury may inquire into all public offenses committed within the jurisdiction of the court in which they are impaneled and to indict such persons as they find guilty thereof.

(c) If a member of the grand jury knows or has reason to believe that a public offense has been committed within the jurisdiction of the court, he or she must disclose the knowledge or belief to his or her fellow jurors, who must thereupon investigate the offense.

(d) Grand jurors are entitled to free access, at all reasonable times, to public prisons and to the examination, without charge, of all public records in the county.

(e) It is the duty of every grand jury at each term of the circuit court to make careful examination of the condition of the accounts of the collecting officers of the county and any matters relating to the general school fund.

**HISTORY:** Crim. Code, §§ 99, 104-106; Acts 1871, No. 28, § 18, p. 81; C. & M. Dig., §§ 2982-2986; Pope's Dig., §§ 3804-3808; A.S.A. 1947, §§ 43-907 -- 43-911; Acts 2005, No. 1994, § 319.


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A.C.A. § 16-85-504 (2011)

**16-85-504. Witnesses -- Subpoena.**

(a) The clerk, on the request of the foreman of the grand jury or of the prosecuting attorney, shall issue subpoenas for witnesses to appear before the grand jury. Upon the witnesses failing to attend in obedience thereto, the court shall proceed to coerce their attendance and may punish their disobedience by fine and imprisonment, as in the case of witnesses failing to attend on the trial.

(b) The clerk of the circuit court of every county in this state shall, on the request of the prosecuting attorney of the district in which the county is situated, issue, in vacation of the circuit court of the county, subpoenas for any witness to appear before the grand jury of the county to be impaneled at the next term of the circuit court in the county. The clerk shall deliver the subpoenas to the sheriff of the county, who shall serve them before the convening of the court. Any witness refusing to obey any subpoena so issued and served upon him or her shall be guilty of contempt of court.

**HISTORY:** Crim. Code, § 112; Acts 1883, No. 49, § 1, p. 72; C. & M. Dig., §§ 2990, 3116, 8319; Pope's Dig., §§ 3812, 3950, 10896; A.S.A. 1947, §§ 43-912, 43-913.

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A.C.A. § 16-85-505 (2011)

**16-85-505. Witnesses -- Oath.**

The foreman of the grand jury shall have power to administer the oath to the witnesses appearing before the grand jury.

**HISTORY:** Crim. Code, § 101; C. & M. Dig., § 2987; Pope's Dig., § 3809; A.S.A. 1947, § 43-914.

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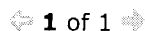
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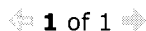
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**16-85-506. Witnesses -- Joint offenders.**

In all cases where two (2) or more persons are jointly or otherwise concerned in the commission of any criminal offense, either of the persons may be sworn as a witness in relation to the criminal offense, but the testimony given by the witness in no instance shall be used against him or her in any criminal prosecution for the same offense.

**HISTORY:** Rev. Stat., ch. 45, § 67; C. & M. Dig., § 3122; Pope's Dig., § 3956; A.S.A. 1947, § 43-915; Acts 2005, No. 1994, § 294.

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A.C.A. § 16-85-507 (2011)

**16-85-507. Witnesses -- Refusal to testify.**

When a witness, under examination, refuses to testify or to answer a question put to him or her by the grand jury, the foreman shall proceed with the witness into the presence of the court, and there distinctly state the refusal of the witness. If the judge, upon hearing the witness, shall decide that the witness is bound to testify or answer the question propounded, the judge shall inquire of the witness if he persists in his refusal. If the witness does persist in his refusal, the court shall proceed with him as in cases of similar refusal in open court.

**HISTORY:** Crim. Code, § 113; C. & M. Dig., § 2991; Pope's Dig., § 3813; A.S.A. 1947, § 43-916.

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A.C.A. § 16-85-508 (2011)

**16-85-508. Witnesses -- Securing testimony of material witnesses.**

**(a)** If there is a reasonable belief that a material witness in any grand jury investigation may absent himself or herself from the jurisdiction or otherwise avoid service of a subpoena, a judicial officer, as defined in Arkansas Rules of Criminal Procedure 1.6(c), shall impose conditions of release pursuant to Arkansas Rules of Criminal Procedure 9.1-9.5.

**(b)** A warrant of arrest may be issued by the judicial officer on the affidavit or testimony of a prosecuting attorney to secure the presence of the witness at the hearing to provide for his or her release. Other witnesses may be called and examined.

**(c)** No material witness shall be detained because of his or her inability to comply with any condition of release if the testimony of the witness for the proceeding can be adequately secured by deposition and further detention is not necessary to prevent a failure of justice. Release may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to law.

**(d)** When the material witness has given his or her testimony, he or she shall be released immediately.

**HISTORY:** Acts 1983, No. 176, § 1; A.S.A. 1947, § 43-916.1.

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A.C.A. § 16-85-509 (2011)

**16-85-509. Witnesses -- Compensation.**

(a) It shall be the duty of the foreman of each grand jury in this state to keep an abstract showing the name of each person subpoenaed and appearing as a witness before the grand jury, the number of days attended, and the amount due the person as a witness. The abstract shall be verified by affidavit as provided in this section and may be in the following form:

"ABSTRACT OF WITNESSES

(b) (1) The foreman of the grand jury shall issue a certificate to each of the witnesses showing the number of days attended and the amount due the witness, in conformity to the abstract.

(2) The certificate shall be attested by the clerk of the grand jury.

(c) Upon the presentation of the certificate to the clerk of the county court, the county court, upon examination and approval of the certificate, shall make an order allowing the certificate. After the order has been made, it shall be the duty of the clerk of the county court to draw his or her warrant in favor of the holder of the certificate for the amount adjudged to be due thereon and to file the certificate in his or her office.

**HISTORY:** Acts 1889, No. 62, §§ 1, 2, p. 77; C. & M. Dig., §§ 3001-3003; Pope's Dig., §§ 3823-3825; Acts 1961, No. 454, § 1; A.S.A. 1947, §§ 43-924 -- 43-926.

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A.C.A. § 16-85-510 (2011)

**16-85-510. Disclosure of media sources.**

Before any editor, reporter, or other writer for any newspaper, periodical, radio station, television station, or Internet news source, or publisher of any newspaper, periodical, or Internet news source, or manager or owner of any radio station shall be required to disclose to any grand jury or to any other authority the source of information used as the basis for any article he or she may have written, published, or broadcast, it must be shown that the article was written, published, or broadcast in bad faith, with malice, and not in the interest of the public welfare.

**HISTORY:** Init. Meas. 1936, No. 3, § 15, Acts 1937, p. 1384; Pope's Dig., § 3828; Acts 1949, No. 254, § 1; A.S.A. 1947, § 43-917; Acts 2011, No. 799, § 1.

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A.C.A. § 16-85-511 (2011)

**16-85-511. Evidence.**

The grand jury is not bound to hear evidence for the defendant, but it is their duty to weigh all the evidence before them. If they believe that other evidence will explain away the charge, they should order the evidence to be produced.

**HISTORY:** Crim. Code, § 102; C. & M. Dig., § 2988; Pope's Dig., § 3810; A.S.A. 1947, § 43-918; Acts 2005, No. 1994, § 320.

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A.C.A. § 16-85-512 (2011)

**16-85-512. Persons permitted to be present.**

No persons except the prosecuting attorney, the court reporter, and the witnesses under examination are permitted to be present while the grand jury is examining a charge, and no person whatever shall be present while the grand jury is deliberating or voting on a charge.

**HISTORY:** Crim. Code, § 108; C. & M. Dig., § 2996; Pope's Dig., § 3818; A.S.A. 1947, § 43-919; Acts 2005, No. 1994, § 273.

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A.C.A. § 16-85-513 (2011)

**16-85-513. Indictment.**

(a) The grand jury should find an indictment when all the evidence before them, taken together, would, in their judgment, if unexplained, warrant a conviction by the trial jury.

(b) All the papers and other matters of evidence relating to the arrest and examination of the charges against persons committed or on bail which have been returned to court by magistrates shall be laid before the grand jury. If, upon investigation, they refuse to find an indictment, they shall write upon some one of the papers "dismissed", with the signature of the foreman. Thereupon, the court shall discharge the defendant from custody if he or she is in jail, or the court shall exonerate the bail if bail has been given, unless the court should be of the opinion that the charge should again be submitted to another grand jury. In that case, the defendant may be continued in custody or on bail until the next term of the court.

(c) The dismissal of the charge does not prevent its being again submitted to a grand jury as often as the court may direct, but without such direction, it cannot again be submitted.

(d) Unless an indictment is found at the term of the court next after the first submission of the charge to the grand jury, the defendant shall be discharged from custody or exonerated from bail unless, for cause shown, the court shall otherwise direct.

**HISTORY:** Crim. Code, §§ 103, 114-116; C. & M. Dig., §§ 2989, 2997-2999; Pope's Dig., §§ 3811, 3819-3821; A.S.A. 1947, §§ 43-920 -- 43-923.

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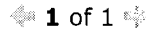
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A.C.A. § 16-85-514 (2011)

**16-85-514. Disclosure of information.**

(a) Every member of the grand jury must keep secret whatever the member or any other grand juror may have said, or in what manner he or she or any grand juror may have voted on a matter before them.

(b) (1) No grand juror shall disclose any evidence given before the grand jury except when lawfully required to testify as a witness in relation to the evidence, nor shall he or she disclose the fact of any indictment having been found against any person not in actual confinement until the defendant has been arrested.

(2) Any grand juror violating the provisions of this subsection shall be guilty of a violation and upon conviction shall be fined any sum not exceeding one thousand dollars (\$1,000).

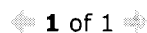
(c) (1) A member of the grand jury, however, may be required by a court to disclose the testimony of a witness examined before the grand jury for the purpose of ascertaining its consistency with the testimony given by the witness on trial, for the purpose of proceeding against the witness for perjury in his or her testimony, or upon the trial of a prosecution of the witness for perjury.

(2) It shall be the duty of the foreman of the grand jury to communicate to the prosecuting attorney, when requested, the substance of the testimony before them.

(d) A grand juror cannot be questioned for anything he or she may say or any vote he or she may give relative to a matter legally before the grand jury, except for a perjury he or she may have committed in making accusation or giving testimony before his or her fellow jurors.

**HISTORY:** Rev. Stat., ch. 45, §§ 75, 76; Crim. Code, §§ 109-111; C. & M. Dig., §§ 2820, 2992-2994; Pope's Dig., §§ 3538, 3814-3816; A.S.A. 1947, §§ 43-927 -- 43-931; Acts 2005, No. 1994, § 471.


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\*\*\* FROM THE ARKANSAS CODE REVISION COMMISSION THROUGH \*\*\*

\*\*\* JUNE 2, 2011 \*\*\*

Title 16 Practice, Procedure, And Courts  
Subtitle 6. Criminal Procedure Generally  
Chapter 85 Pretrial Proceedings  
Subchapter 5 -- Grand Jury Proceedings

A.C.A. § 16-85-515 (2011)

**16-85-515. Advice of court or prosecuting attorney.**

The grand jury may, at all reasonable times, ask the advice of the court or the prosecuting attorney.

**HISTORY:** Crim. Code, § 107; C. & M. Dig., § 2995; Pope's Dig., § 3817; A.S.A. 1947, § 43-932.

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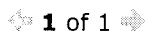
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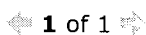
A.C.A. § 16-85-516 (2011)

**16-85-516. Indictment of grand juror.**

Any grand juror may be indicted by the grand jury of which he or she is a member, but when any complaint shall be lodged against a grand juror, the foreman shall inform the prosecuting attorney of the charge. If, on examination, there are grounds for proceedings against the juror, the foreman shall inform the court of these grounds, and the court shall discharge the juror and cause another to be summoned, if necessary.

**HISTORY:** Crim. Code, § 407; Acts 1871, No. 49, § 1 [407], p. 255; C. & M. Dig., § 3000; Pope's Dig., § 3822; A.S.A. 1947, § 43-933.

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A.C.A. § 16-85-517 (2011)

**16-85-517. Special grand jury.**

(a) At any time a grand jury is not in session, the court, in its discretion, by order entered of record, may impanel a special grand jury.

(b) When impaneled, the special grand jury shall have all the powers and proceed in all respects as provided by law for the conduct of regular grand juries.

**HISTORY:** Rev. Stat., ch. 45, §§ 71, 72; C. & M. Dig., § 3004; Init. Meas. 1936, No. 3, § 33, Acts 1937, p. 1384; Pope's Dig., § 3826; A.S.A. 1947, § 43-934.

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A.C.A. § 16-85-518 (2011)

**16-85-518. Experts -- Expenses.**

Grand juries may employ experts and other professionals to assist in the grand jury investigations if, prior to the employment, the quorum court and county judge approve the employment. In that case, all expenses resulting from the employment shall be paid by the county.

**HISTORY:** Acts 1987, No. 318, § 1.

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Title 16 Practice, Procedure, And Courts

Subtitle 3. **Juries** And Jurors

Chapter 32 Selection and Attendance

Subchapter 2 -- Criminal Proceedings

A.C.A. § 16-32-201 (2011)

**16-32-201. Selection of grand jury.**

(a) (1) The selecting, summoning, and impaneling of a **grand jury** shall be as prescribed by law.

(2) (A) Circuit courts to which criminal cases are assigned may call **grand jurors** from the wheel or box from which petit jurors are drawn, or the circuit judge may direct the **jury commissioners** to provide the minimum number of names for a separate **grand jury** wheel or box in the minimum number set forth in § 16-32-103(a)-(d).

(B) In the event the circuit judge directs the **jury commissioners** to provide the minimum number of names for a separate **grand jury** wheel or box, the **jury commissioners** shall select the names of persons whom they believe to be qualified from the current voter registration list or the enhanced prospective juror list authorized by § 16-32-302.

(3) In either event, when a **grand jury** is selected, the names of a sufficient number of persons shall be drawn from the appropriate box or wheel to provide a panel of sixteen (16) qualified **grand jurors**, plus a reasonable number of alternates, after excuses from attendance have been granted to those who are entitled to be excused.

(4) As the names are drawn, they shall be recorded in the **grand jury** book, and the **grand jurors** shall be summoned and directed to appear in the same manner as provided for petit jurors.

(5) The **grand jury** shall be made up of the first sixteen (16) persons summoned whose names appear as **grand jurors** in the **jury** book after the elimination of the disqualified or excused persons.

(6) (A) The remaining **grand jurors** whose names appear in the **jury** book after the elimination of disqualified or excused persons shall be considered as alternates and shall be designated in the order as they appear in the **jury** book to replace regular **grand jurors** who become incapacitated or who are unavailable.

(B) Alternate **grand** jurors shall not be disqualified from further **jury** duty as provided in § 16-31-104 until they have been required to report for **grand jury** service during the year.

(7) **Grand** jurors shall serve during the calendar year in which selected unless sooner discharged by the court.

(b) The drawing and recording of **grand** jurors under subsection (a) of this section may be accomplished by a computerized random **jury** selection process.

(c) In either event, when a **grand jury** is selected, the names of a sufficient number of persons shall be drawn from the appropriate box or wheel to provide a panel of sixteen (16) qualified **grand** jurors, plus a reasonable number of alternates, after excuses from attendance have been granted to those who are entitled to be excused.

(d) As the names are drawn, they shall be recorded in the **grand jury** book, and the **grand** jurors shall be summoned and directed to appear in the same manner as provided for petit jurors.

(e) The **grand jury** shall be made up of the first sixteen (16) persons summoned whose names appear as **grand** jurors in the **jury** book after the elimination of the disqualified or excused persons.

(f) The remaining **grand** jurors whose names appear in the **jury** book after the elimination of disqualified or excused persons shall be considered as alternates and shall be designated in the order as they appear in the **jury** book to replace regular **grand** jurors who become incapacitated or who are unavailable. Alternate **grand** jurors shall not be disqualified from further **jury** duty as provided in § 16-31-104 until they have been required to report for **grand jury** service during the year.

(g) **Grand** jurors shall serve during the calendar year in which selected unless sooner discharged by the court.

**HISTORY:** Crim. Code, § 98; C. & M. Dig., § 2977; Pope's Dig., § 3799; Acts 1975, No. 485, § 6; A.S.A. 1947, §§ 39-217.1, 43-901; Acts 2005, No. 87, § 7.

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Subtitle 3. Juries And Jurors

Chapter 33 Examination and Challenge

Subchapter 3 -- Criminal Proceedings

A.C.A. § 16-33-301 (2011)

**16-33-301. Challenge to grand juror.**

**(a)** Every person held to answer a criminal charge may object to the competency of anyone summoned to serve as a grand juror, before he is sworn, on the ground that he is the prosecutor or complainant upon any charge against the person or that he is a witness on the part of the prosecution and has been summoned or bound in a recognizance as such.

**(b)** If the objection is established, the person so challenged shall be set aside and another juror summoned.

**HISTORY:** Rev. Stat. ch. 45, § 60; C. & M. Dig., § 3005; Pope's Dig., § 3827; A.S.A. 1947, § 43-902.

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