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O.C.G.A. § 15-12-60 (2011)

§ 15-12-60. Qualifications of grand jurors

(a) Except as provided in subsection (b) of this Code section, all citizens of this state 18 years of age or older who are not incompetent because of mental illness or mental retardation and who have resided in the county for at least six months preceding the time of service shall be qualified and liable to serve as grand jurors unless otherwise exempted by law.

(b) The following persons shall not be eligible to serve as grand jurors:

(1) Any person who holds any elective office in state or local government or who has held any such office within a period of two years preceding the time of service as a grand juror; and

(2) Any person who has been convicted of a felony and who has not been pardoned or had his or her civil rights restored.

HISTORY: Orig. Code 1863, § 3821; Code 1868, § 3841; Code 1873, § 3906; Code 1882, § 3906; Ga. L. 1887, p. 53, § 1; Penal Code 1895, § 811; Penal Code 1910, § 811; Code 1933, § 59-201; Ga. L. 1953, Nov.-Dec. Sess., p. 284, § 3; Ga. L. 1973, p. 726, § 1; Ga. L. 1976, p. 438, § 6; Ga. L. 1977, p. 341, § 1; Ga. L. 1982, p. 779, §§ 1, 2; Ga. L. 1983, p. 3, § 12; Ga. L. 2011, p. 59, § 1-26/HB 415.

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O.C.G.A. § 15-12-61 (2011)

§ 15-12-61. Number of grand jurors; votes necessary for indictment or presentment; alternate grand jurors; report on preceding grand jury by foreperson or clerk

(a) A grand jury shall consist of not less than 16 nor more than 23 persons. The votes of at least 12 grand jurors shall be necessary to find a bill of indictment or to make a presentment. Three alternate grand jurors may be sworn and, subject to the maximum number fixed in this subsection, may serve when any grand juror dies, is discharged for any cause, becomes ill, or is for other cause absent during any sitting. Alternate grand jurors may serve as members of inspection and examination committees with the same authority and responsibilities as grand jurors and without regard to the maximum limitation on the number of grand jurors fixed herein. However, nothing in this Code section shall limit the authority of a judge of the superior court to replace a grand juror.

(b) The grand jury shall be authorized to request the foreperson of the previous grand jury to appear before it for the purpose of reviewing and reporting the actions of the immediately preceding grand jury if the succeeding grand jury determines that such service would be beneficial. While serving a succeeding grand jury, the foreperson of the immediately preceding grand jury shall receive the same compensation as other members of the grand jury. Any person serving as foreperson of a grand jury and then requested to report to an immediately succeeding grand jury shall not be eligible to again serve as a grand juror for one year following the conclusion of such earlier service.

HISTORY: Laws 1799, Cobb's 1851 Digest, p. 547; Ga. L. 1869, p. 139, § 5; Code 1873, § 3914; Code 1882, § 3914; Penal Code 1895, § 812; Penal Code 1910, § 812; Code 1933, § 59-202; Ga. L. 1967, p. 590, § 1; Ga. L. 1978, p. 906, § 1; Ga. L. 1979, p. 676, § 1; Ga. L. 1994, p. 607, § 3; Ga. L. 2001, p. 4, § 15; Ga. L. 2011, p. 59, § 1-27/HB 415.

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O.C.G.A. § 15-12-62 (2011)

§ 15-12-62. (Repealed effective July 1, 2012) Selection of grand jurors

(a) The judges of the superior courts, at the close of each term, in open court, shall unlock the box and break the seal and shall cause to be drawn from compartment number "one" not less than 18 nor more than 75 names to serve as grand jurors at the next term of the court, all of which names shall be deposited in compartment number "two." When all the names have been drawn out of compartment number "one," then the drawing shall commence from compartment number "two," and the tickets shall be returned to number "one," and so on alternately. No name so deposited in the box shall, on any pretense whatever, be thrown out of it or destroyed except when it is satisfactorily shown to the judge that the juror is dead, removed out of the county, or otherwise disqualified by law.

(b) In those counties utilizing mechanical or electronic means for the selection of jurors, subsection (a) of this Code section shall not apply. Rather, the judges of the superior court shall draw a grand jury from the "electronic jury box" in the same manner and under the same plan that trial juries are drawn. They shall draw not less than 18 nor more than 75 names to serve as grand jurors at the next term of court.

(c) This Code section shall stand repealed and reserved on July 1, 2012.

HISTORY: Ga. L. 1869, p. 139, § 2; Code 1873, § 3911; Ga. L. 1874, p. 20, § 1; Code 1882, § 3911; Penal Code 1895, § 822; Penal Code 1910, § 823; Code 1933, § 59-203; Ga. L. 1966, p. 470, § 1; Ga. L. 1975, p. 809, § 1; Ga. L. 1976, p. 438, § 7; Ga. L. 1987, p. 953, § 2; Ga. L. 2011, p. 59, § 1-28/HB 415.


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O.C.G.A. § 15-12-62.1 (2011)

§ 15-12-62.1. Choosing of grand jurors

On and after July 1, 2012, the clerk shall choose a sufficient number of persons to serve as grand jurors. The clerk, not less than 20 days before the commencement of each term of court at which a regular grand jury is impaneled, shall issue summonses by mail to the persons chosen for grand jury service. The clerk shall choose grand jurors in the manner specified by and in accordance with the rules adopted by the Supreme Court.

HISTORY: Code 1981, § 15-12-62.1, enacted by Ga. L. 2011, p. 59, § 1-29/HB 415.

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O.C.G.A. § 15-12-63 (2011)

§ 15-12-63. Choosing of separate grand juries for each week

When the superior court is held for longer than one week, the presiding judge may direct the clerk to choose separate grand juries for each week.

HISTORY: Ga. L. 1871-72, p. 47, § 3; Code 1873, § 3936; Code 1882, § 3936; Ga. L. 1884-85, p. 41, § 1; Penal Code 1895, § 862; Penal Code 1910, § 866; Code 1933, § 59-204; Ga. L. 2011, p. 59, § 1-30/HB 415.

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O.C.G.A. § 15-12-64 (2011)

§ 15-12-64. (Repealed effective July 1, 2012) Procedure where judge has failed to draw grand jury

Whenever from any cause the judge fails to draw a grand jury as provided in Code Section 15-12-62, the judge of the probate court of the county in which such failure occurred, together with the jury commissioners and the clerk, shall meet at the courthouse at least 20 days prior to the next ensuing term of the court, whether such term is a regular or special term, and then and there shall draw grand jurors to serve at that term, which proceedings shall be duly entered by the clerk on the minutes of the court and shall be signed by the judge of the probate court. This Code section shall stand repealed and reserved on July 1, 2012.

HISTORY: Ga. L. 1869, p. 139, § 3; Code 1873, § 3912; Code 1882, § 3912; Penal Code 1895, § 823; Penal Code 1910, § 826; Code 1933, § 59-205; Ga. L. 2011, p. 59, § 1-31/HB 415.

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O.C.G.A. § 15-12-65 (2011)

§ 15-12-65. (Repealed effective July 1, 2012) Service of summons; time limits

(a) *Counties utilizing nonmechanical selection procedures.* Within 30 days after the grand jurors have been drawn by a judge of the superior court or within five days after they have been drawn by the judge of the probate court and the commissioners as provided in Code Section 15-12-64, the clerk shall issue and deliver to the sheriff or his or her deputy a precept containing the names of the persons drawn as grand jurors. Upon the receipt of the precept, the sheriff or his or her deputy shall cause the persons whose names are therein written to be served personally or by leaving the summons at their most notorious places of residence at least ten days prior to the term of the court the jurors were drawn to attend; provided, however, the sheriff may, in his or her discretion, serve the persons whose names appear on the precept by sending the summons by certified United States mail or statutory overnight delivery, return receipt requested, addressed to their most notorious places of abode at least 15 days prior to the term of the court the jurors were drawn to attend. Failure to receive the notice personally shall be a defense to a contempt citation.

(b) *Counties utilizing mechanical or electronic selection procedures.* In those counties utilizing mechanical or electronic means for the selection of jurors, the sheriff of the county may authorize the clerk in writing to mail all summonses by first-class mail addressed to the jurors' most notorious places of abode at least 25 days prior to the term of the court the jurors were drawn to attend. Failure to receive the notice personally shall be a defense to a contempt citation. This subsection shall in no way affect the provisions for drawing jurors and the service upon jurors by other courts in the county.


(c) This Code section shall stand repealed and reserved on July 1, 2012.


HISTORY: Ga. L. 1869, p. 139, § 4; Code 1873, § 3913; Code 1882, § 3913; Penal Code 1895, § 824; Penal Code 1910, § 827; Code 1933, § 59-206; Ga. L. 1964, p. 284, § 1; Ga. L. 1976, p. 438, § 8; Ga. L. 1985, p. 149, § 15; Ga. L. 2000, p. 1589, § 6; Ga. L. 2011, p. 59, § 1-32/HB 415.



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O.C.G.A. § 15-12-65.1 (2011)

§ 15-12-65.1. Mailing of summonses; failure to receive notice

On and after July 1, 2012, the clerk shall be authorized to mail all summonses by first-class mail addressed to the prospective jurors' most notorious places of abode at least 25 days prior to the date of the court the prospective jurors shall attend. Failure to receive the notice personally shall be a defense to a contempt citation.

HISTORY: Code 1981, § 15-12-65.1, enacted by Ga. L. 2011, p. 59, § 1-33/HB 415.

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O.C.G.A. § 15-12-66 (2011)

§ 15-12-66. (Repealed effective July 1, 2012) Tales jurors; drawing and summoning

When from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the panel of jurors, the judge shall draw tales jurors from the jury boxes of the county and shall order the sheriff to summon the jurors so drawn. When the sheriff or his or her deputy is disqualified to summon tales jurors, they may be summoned by the coroner or such other person as the judge may appoint. This Code section shall stand repealed and reserved on July 1, 2012.

HISTORY: Ga. L. 1869, p. 139, § 8; Code 1873, § 3937; Code 1882, § 3937; Ga. L. 1884-85, p. 63, § 1; Penal Code 1895, § 863; Penal Code 1910, § 867; Code 1933, § 59-207; Ga. L. 1937, p. 466, § 2; Ga. L. 2011, p. 59, § 1-34/HB 415.

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O.C.G.A. § 15-12-66.1 (2011)

§ 15-12-66.1. Insufficient number of persons to complete panel of jurors

On and after July 1, 2012, when from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the panel of jurors, the clerk shall choose prospective trial jurors from the county master jury list and summon the jurors so chosen.

HISTORY: Code 1981, § 15-12-66.1, enacted by Ga. L. 2011, p. 59, § 1-35/HB 415.

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O.C.G.A. § 15-12-67 (2011)

§ 15-12-67. Appointment or election of foreman; oath of foreman and grand jurors

(a) The judge of the superior court may appoint the foreman of the grand jury or may direct the grand jury to elect its own foreman. The foreman of the grand jury may administer the oath prescribed by law to all witnesses required to testify before the grand jury and may also examine such witnesses.

(b) The following oath shall be administered to the foreperson and to each member of the grand jury:

"You, as foreperson (or member) of the grand jury for the County of _____, shall diligently inquire and true presentment make of all such matters and things as shall be given you in the court's charge or shall come to your knowledge touching the present service; and you shall keep the deliberations of the grand jury secret unless called upon to give evidence thereof in some court of law in this state. You shall present no one from envy, hatred, or malice, nor shall you leave anyone unrepresented from fear, favor, affection, reward, or the hope thereof, but you shall present all things truly and as they come to your knowledge. So help you God."

HISTORY: Laws 1812, Cobb's 1851 Digest, p. 551; Ga. L. 1857, p. 109, § 1; Code 1863, §§ 3827, 3829; Code 1868, §§ 3847, 3850; Code 1873, §§ 3915, 3918; Code 1882, §§ 3915, 3918; Penal Code 1895, §§ 825, 831; Penal Code 1910, §§ 829, 835; Code 1933, §§ 59-208, 59-210; Ga. L. 1994, p. 874, § 1; Ga. L. 1995, p. 1292, § 5.

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O.C.G.A. § 15-12-68 (2011)

§ 15-12-68. Oath of witnesses

(a) The following oath shall be administered to all witnesses in criminal cases before the grand jury:

"Do you solemnly swear or affirm that the evidence you shall give the grand jury on this bill of indictment or presentment shall be the truth, the whole truth, and nothing but the truth? So help you God."

(b) Any oath given that substantially complies with the language in this Code section shall subject the witness to the provisions of Code Section 16-10-70.

HISTORY: Cobb's 1851 Digest, p. 836; Code 1863, § 4538; Code 1868, § 4558; Code 1873, § 4652; Code 1882, § 4652; Penal Code 1895, § 834; Penal Code 1910, § 838; Code 1933, § 59-211; Ga. L. 1997, p. 1499, § 1; Ga. L. 2010, p. 862, § 1/SB 313.

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O.C.G.A. § 15-12-69 (2011)

§ 15-12-69. Oath of bailiff attending grand jury

The following oath shall be administered to all bailiffs attending grand juries:

"You do solemnly swear that you will diligently attend the grand jury during the present term and carefully deliver to that body all such bills of indictment or other things as shall be sent to them by the court without alteration, and as carefully return all such as shall be sent by that body to the court. So help you God."

HISTORY: Laws 1831, Cobb's 1851 Digest, pp. 553-554; Code 1863, § 5105; Code 1868, § 3848; Code 1873, § 3916; Code 1882, § 3916; Penal Code 1895, § 828; Penal Code 1910, § 832; Code 1933, § 59-209.

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O.C.G.A. § 15-12-70 (2011)

§ 15-12-70. Disqualification for relationship to interested party

All grand jurors in the courts of this state shall be disqualified to act or serve in any case or matter when such jurors are related by consanguinity or affinity to any party interested in the result of the case or matter within the sixth degree as computed according to the civil law. Relationship more remote shall not be a disqualification.

HISTORY: Ga. L. 1935, p. 396, § 1.

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O.C.G.A. § 15-12-71 (2011)

§ 15-12-71. Duties of grand jury

(a) The duties of a grand jury shall be confined to such matters and things as it is required to perform by the Constitution and laws or by order of any superior court judge of the superior court of the county.

(b) (1) The grand jury shall at least once in each calendar year inspect the condition and operations of the county jail. The grand jury shall at least once in every three calendar years inspect and examine the offices and operations of the clerk of superior court, the judge of the probate court, and the county treasurer or county depository. If the office of the district attorney is located in the county in which the grand jury is impaneled, the grand jury shall inspect and examine the offices of the district attorney at least once in every three calendar years. If the offices of the district attorney are located in a county other than the county in which the grand jury is impaneled, the grand jury may inspect the offices of the district attorney as the grand jury deems necessary or desirable.

(2) In addition to the inspections provided for in paragraph (1) of this subsection, the grand jury shall, whenever deemed necessary by eight or more of its members, appoint a committee of its members to inspect or investigate any county office or county public building or any public authority of the county or the office of any county officer, any court or court official of the county, the county board of education, or the county school superintendent or any of the records, accounts, property, or operations of any of the foregoing.

(3) The grand jury may prepare reports or issue presentments based upon its inspections as provided for in this subsection, and any such presentments shall be subject to publication as provided for in Code Section 15-12-80.

(4) The grand jury may appoint one citizen of the county to provide technical expertise to the grand jury in connection with inspections provided for in this Code section. Such citizen shall be compensated at the same rate that a grand juror is compensated.

(c) Any grand jury or any committee thereof which has undertaken to conduct an inspection or investigation as provided in subsection (b) of this Code section shall have the right to examine

any papers, books, records, and accounts, to compel the attendance of witnesses, and to hear evidence. If any public officer, agent, or employee refuses to produce any such papers, books, records, and accounts, any superior court judge of the superior court of the county, upon evidence being adduced, may enforce this Code section by mandamus or attachment as the case may require. If any public officer, agent, or employee fails or refuses to exhibit to the grand jury or its committee the funds on hand or claimed by them to be on hand upon presentation of that fact to any superior court judge of the superior court the judge may by mandamus or attachment compel the delivery of the funds to the grand jury or the committee for the purpose of counting.

(d) The judge charging the grand jury shall inform the grand jury of the provisions of subsections (b) and (c) of this Code section.

HISTORY: Ga. L. 1869, p. 139, § 5; Code 1873, § 3914; Code 1882, § 3914; Penal Code 1895, § 829; Penal Code 1910, § 833; Code 1933, § 59-301; Ga. L. 1986, p. 306, § 1; Ga. L. 1994, p. 607, § 4; Ga. L. 1995, p. 1292, § 6.

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O.C.G.A. § 15-12-72 (2011)

§ 15-12-72. Disclosures of grand jurors in court

Grand jurors shall disclose everything which occurs in their service whenever it becomes necessary in any court of record in this state.

HISTORY: Laws 1812, Cobb's 1851 Digest, p. 277; Code 1863, § 3722; Code 1868, § 3746; Code 1873, § 3799; Code 1882, § 3799; Civil Code 1895, § 5200; Penal Code 1895, § 827; Civil Code 1910, § 5787; Penal Code 1910, § 831; Code 1933, § 59-302.

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O.C.G.A. § 15-12-73 (2011)

§ 15-12-73. Exclusion of admissions and communications among grand jurors

Admissions and communications among grand jurors are excluded as evidence on grounds of public policy.

HISTORY: Orig. Code 1863, § 3720; Code 1868, § 3744; Code 1873, § 3797; Code 1882, § 3797; Penal Code 1895, § 826; Penal Code 1910, § 830; Code 1933, § 59-303.

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O.C.G.A. § 15-12-74 (2011)

§ 15-12-74. Of what offenses presentments made

Grand jurors have a duty to examine or make presentments of such offenses as may or shall come to their knowledge or observation after they have been sworn. Additionally, they have the right and power and it is their duty as jurors to make presentments of any violations of the laws which they may know to have been committed at any previous time which are not barred by the statute of limitations.

HISTORY: Laws 1829, Cobb's 1851 Digest, p. 553; Code 1863, § 3828; Code 1868, § 3849; Code 1873, § 3917; Code 1882, § 4709; Penal Code 1895, § 830; Penal Code 1910, § 834; Code 1933, § 59-304.

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O.C.G.A. § 15-12-75 (2011)

§ 15-12-75. Inspection of offices and records of certain county officials by grand jury

Reserved. Repealed by Ga. L. 1994, p. 607, § 5, effective July 1, 1994.

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O.C.G.A. § 15-12-76 (2011)

§ 15-12-76. Appointment of citizen or citizen committee to examine offices and records of certain county officials; powers of those appointed; enforcement of inspection

Reserved. Repealed by Ga. L. 1994, p. 607, § 6, effective July 1, 1994.

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O.C.G.A. § 15-12-77 (2011)

§ 15-12-77. Investigation and presentment of interference with court order or sentence;
transmittal of presentment to Governor; penalty for failure of officer to make report

Reserved. Repealed by Ga. L. 1988, p. 549, § 1, effective March 30, 1988.

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O.C.G.A. § 15-12-78 (2011)

§ 15-12-78. Inspection of county jails; recommendations and presentments

Grand juries shall carefully inspect the sanitary condition of the jails of their respective counties at each regular inspection provided for in Code Section 15-12-71 and in their general presentments shall make such recommendations to the county governing authorities as may be necessary to provide for the proper heating and ventilation of the jails, which recommendations the county governing authorities shall strictly enforce. The grand juries shall also make such presentments as to the general sanitary condition of the jails and the treatment of the inmates as the facts may justify.

HISTORY: Ga. L. 1887, p. 102, § 1; Penal Code 1895, § 840; Penal Code 1910, § 844; Code 1933, § 59-314; Ga. L. 1982, p. 3, § 15; Ga. L. 1984, p. 22, § 15; Ga. L. 1994, p. 607, § 7.

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O.C.G.A. § 15-12-79 (2011)

§ 15-12-79. Inspection of public buildings, property, and records; report

Reserved. Repealed by Ga. L. 1994, p. 607, § 8, effective July 1, 1994.

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O.C.G.A. § 15-12-80 (2011)

§ 15-12-80. Publication of general presentments; publication expense

Grand juries are authorized to recommend to the court the publication of the whole or any part of their general presentments and to prescribe the manner of publication. When the recommendation is made, the judge shall order the publication as recommended. Reasonable charges therefor shall be paid out of the county treasury, upon the certificate of the judge, as other court expenses are paid.

HISTORY: Ga. L. 1889, p. 156, § 1; Penal Code 1895, § 847; Penal Code 1910, § 851; Code 1933, § 59-317.

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O.C.G.A. § 15-12-81 (2011)

§ 15-12-81. Notice of upcoming appointment by grand jury

(a) Whenever it is provided by law that the grand jury of any county shall elect, select, or appoint any person to any office, notice thereof shall be given in the manner provided in subsection (b) of this Code section.

(b) It shall be the duty of any board, authority, or entity whose members are elected, selected, or appointed by the grand jury of a county to notify the clerk of superior court in writing, at least 90 days prior to an upcoming election, selection, or appointment by the grand jury, that the grand jury shall elect, select, or appoint a person to the office held by such member at the time of notice; except where a vacancy has been created by death, resignation, or removal from office, in which case notice shall be given within ten days of the creation of the vacancy. It shall be the duty of the clerk of superior court, upon receiving notice of the upcoming appointment, to publish in the official organ of the county a notice that certain officers are to be elected, selected, or appointed by the grand jury of the county. The publication shall be once a week for two weeks during a period not sooner than 60 days prior to the election, selection, or appointment, except, where a vacancy has been created by death, resignation, or removal, notice shall be published once a week for two weeks during a period not sooner than ten days prior to the election, selection, or appointment. The cost of advertisement shall be paid from the funds of the county. It shall be the duty of the governing authority of the county to pay the cost promptly upon receiving a bill for the advertisement.

HISTORY: Ga. L. 1958, p. 686, §§ 1, 2; Ga. L. 1959, p. 424, §§ 1, 2; Ga. L. 1989, p. 310, § 1.

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O.C.G.A. § 15-12-82 (2011)

§ 15-12-82. Change of venue in criminal grand jury investigation

(a) The judges of the superior courts are authorized and empowered to transfer the investigation by a grand jury from the county where the crime was committed to the grand jury in any other county in this state when it appears that a qualified grand jury cannot be had for the purpose of such investigation in the county where the crime was committed. The county master jury list shall be exhausted in trying to secure a qualified jury before a transfer of the investigation shall be made, unless the accused consents to a transfer.

(b) In order to secure a transfer under this Code section, the district attorney shall file a written motion asking for the transfer, stating the reason for transfer, and naming the day and hour when the motion is to be heard. He shall serve the accused with a copy of the motion at least one day before the hearing of the motion if the accused is in the custody of the officers of the court. In the event the accused is not in the custody of the officers of the court, service may be perfected in any manner reasonably calculated to give notice to the accused. In the event that the accused cannot be located, notice by publication may be used, as ordered by the court.

(c) The district attorney and the counsel for the accused may, by agreement, determine the county to which the transfer of the investigation shall be made, but in the event they do not agree it shall be the duty of the presiding judge to name the county to which the transfer shall be made.

(d) The sheriff and the clerk of the county in which the crime was committed shall be qualified and authorized to perform the duties of such officers in the same manner as if there had been no change of venue. Any order or summons issued in connection with the investigation or trial shall be as binding as if no change of venue had been made.

(e) The expenses of the investigation and trial shall be paid by the county in which the crime was committed, and no greater amount shall be paid as per diem or for mileage than would have been paid in the event the investigation and trial had been in the county where the crime was committed. However, no change of venue shall be had for the trial of the accused except as provided by law, unless by consent of the accused.

HISTORY: Ga. L. 1922, p. 193, §§ 1, 3-6, 8; Code 1933, §§ 59-501, 59-502, 59-503, 59-504, 59-505, 59-506; Ga. L. 2011, p. 59, § 1-36/HB 415.

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O.C.G.A. § 15-12-83 (2011)

§ 15-12-83. Attendance of stenographer at grand jury proceeding; use of recording device in lieu of stenographer

(a) This Code section shall apply to all counties of this state which according to the United States decennial census of 1970 or any future such census have a population of 150,000 or more.

(b) In any county of this state referred to in subsection (a) of this Code section, a stenographer is authorized to be present and in attendance upon the grand jury while any witness is being examined by the grand jury. Before attending the grand jury, the stenographer shall take the following oath:

"I do solemnly swear that I will keep secret all things and matters coming to my knowledge while in attendance upon the grand jury, so help me God."

(c) The district attorney of the circuit in which the county is located shall appoint the stenographer and fix the compensation therefor, such compensation to be paid by the county.

(d) The stenographer is authorized to take and transcribe the testimony or any part of the testimony of any witness who testifies before the grand jury and to furnish the transcript of testimony to the grand jury or the district attorney. The stenographer shall be incompetent to testify at any hearing or trial concerning any matter or thing coming to the knowledge of the stenographer while in attendance upon the grand jury.

(e) In any county of this state having a population of 200,000 or more according to the United States decennial census of 1970 or any future such census, a recording device may be used in lieu of the stenographer provided for in subsection (a) of this Code section. Any person transcribing testimony from such recording shall be incompetent to testify at any hearing or trial concerning any matter or thing coming to the knowledge of the person from the recordings.

HISTORY: Ga. L. 1960, p. 2530, § 1; Ga. L. 1976, p. 2638, § 1; Code 1981, § 15-12-83, enacted by Ga. L. 1982, p. 2107, § 13; Ga. L. 1994, p. 237, § 2; Ga. L. 1999, p. 81, § 15.

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PART 2. SPECIAL PURPOSE GRAND JURIES

O.C.G.A. § 15-12-100 (2011)

§ 15-12-100. Procedure for impaneling special grand jury; number of jurors; foreperson; powers of jury

(a) The chief judge of the superior court of any county to which this part applies, on his own motion or on petition of any elected public official of the county or of a municipality lying wholly or partially within the county, may request the judges of the superior court of the county to impanel a special grand jury for the purpose of investigating any alleged violation of the laws of this state or any other matter subject to investigation by grand juries as provided by law.

(b) Until July 1, 2012, the chief judge of the superior court of the county shall submit the question of impaneling a special grand jury to the judges of the superior court of the county and, if a majority of the total number of the judges vote in favor of impaneling a special grand jury, the members of a special grand jury shall be drawn in the manner prescribed by Code Section 15-12-62. On and after July 1, 2012, the chief judge of the superior court of the county shall submit the question of impaneling a special grand jury to the judges of the superior court of the county and, if a majority of the total number of the judges vote in favor of impaneling a special grand jury, the members of a special grand jury shall be chosen in the manner prescribed by Code Section 15-12-62.1. Any special grand jury shall consist of not less than 16 nor more than 23 persons. The foreperson of any special grand jury shall be selected in the manner prescribed by Code Section 15-12-67.

(c) While conducting any investigation authorized by this part, investigative grand juries may compel evidence and subpoena witnesses; may inspect records, documents, correspondence, and books of any department, agency, board, bureau, commission, institution, or authority of the state or any of its political subdivisions; and may require the production of records, documents, correspondence, and books of any person, firm, or corporation which relate directly or indirectly to the subject of the investigation being conducted by the investigative grand jury.

HISTORY: Code 1933, § 59-602a, enacted by Ga. L. 1974, p. 270, § 1; Ga. L. 2011, p. 59, § 1-37/HB 415.



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PART 2. SPECIAL PURPOSE GRAND JURIES

O.C.G.A. § 15-12-101 (2011)

§ 15-12-101. Supervision of special grand jury; procedure for dissolution; additional investigation

(a) When a special grand jury is impaneled pursuant to Code Section 15-12-100, the chief judge of the superior court of the county shall assign a judge of the superior court of the county to supervise and assist the special grand jury in carrying out its investigation and duties. The judge so assigned shall charge the special grand jury as to its powers and duties and shall require periodic reports of the special grand jury's progress, as well as a final report.

(b) When the judge assigned to a special grand jury decides that the special grand jury's investigation has been completed or on the issuance of a report by the special grand jury of the matter investigated by it reporting that the investigation has been completed, the judge so assigned shall recommend to the chief judge of the superior court that the special grand jury be dissolved. The chief judge shall report the recommendation to the judges of the superior court of the county and, upon a majority thereof voting in favor of the dissolution of the special grand jury, the special grand jury shall stand dissolved. If a majority of the judges do not vote in favor of the dissolution of the special grand jury, the chief judge shall instruct and charge the special grand jury as to the particular matters to be investigated; and the special grand jury shall be required to investigate further and establish a period of time within which the investigation shall be completed. At the expiration of the period of time, the special grand jury shall be dissolved.

HISTORY: Code 1933, § 59-603a, enacted by Ga. L. 1974, p. 270, § 1.

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O.C.G.A. § 15-12-102 (2011)

§ 15-12-102. Applicability of part

This part shall apply only to grand juries of counties and consolidated city-county governments of this state having a population of 70,000 or more according to the United States decennial census of 1970 or any future such census. Except as otherwise provided by this part, the law relative to grand juries shall apply to the grand juries provided for by this part.

HISTORY: Code 1933, § 59-601a, enacted by Ga. L. 1974, p. 270, § 1; Ga. L. 1976, p. 982, § 1; Ga. L. 1982, p. 541, §§ 1, 2.

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