

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 908  
Committee Substitute Favorable 5/14/13

Short Title: White Collar Crime Investigation.

(Public)

Sponsors:

Referred to:

April 15, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE  
3 GRAND JURY CAN BE CONVENED.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 15A-622. Formation and organization of grand juries; other preliminary matters.**

7 ...

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

15 (1) The petition alleges the commission of or a conspiracy to commit ~~a violation~~  
16 ~~of G.S. 90-95(h) or G.S. 90-95.1,~~ any of the crimes listed in subsection (i) of  
17 this section, any part of which violation or conspiracy occurred in the county  
18 where the grand jury sits, and that persons named in the petition have  
19 knowledge related to the identity of the perpetrators of those crimes but will  
20 not divulge that knowledge voluntarily or that such persons request that they  
21 be allowed to testify before the grand jury; and

22 (2) The affidavit sets forth facts that establish probable cause to believe that the  
23 crimes specified in the petition have been committed and reasonable grounds  
24 to suspect that the persons named in the petition have knowledge related to  
25 the identity of the perpetrators of those crimes.

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

34 A grand jury authorized by this subsection may be convened from an existing grand jury or  
35 grand juries authorized by subsection (b) of this section or may be convened as an additional  
36 grand jury to an existing grand jury or grand juries. Notwithstanding subsection (b) of this



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

6 (i) An investigative grand jury may be convened pursuant to subsection (h) of this  
7 section if the petition alleges the commission of, attempt to commit or solicitation to commit,  
8 or a conspiracy to commit any of the following:

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

10 (2) A violation of Article 29, 30, or 30A of Chapter 14 of the General Statutes  
11 (relating to bribery, obstructing justice, and secret listening), G.S. 14-228  
12 (buying and selling of offices), G.S. 14-230 (failing to discharge duties),  
13 G.S. 14-234 (public officers or employees benefiting from public contracts),  
14 or G.S. 14-234.1 (misuse of confidential information).

15 (3) A violation of G.S. 14-90 (embezzlement of property received by virtue of  
16 office or employment), G.S. 14-100 (obtaining property by false pretenses),  
17 G.S. 14-118.4 (extortion), or G.S. 14-119 (forgery of notes, checks, and  
18 other securities; counterfeiting of instruments).

19 (4) A violation of G.S. 14-254 (malfeasance of corporation officers and  
20 agents)."

21 **SECTION 2.** This act becomes effective October 1, 2013.