



CGJA NEWS

*To promote, preserve, and support the grand jury system
through training, education, and outreach*

May 2016

We have more news for you about SB 1292, which would amend Penal Code §933.05. The bill has "gone into suspense" (been tabled) in the Senate Appropriations Committee. If it remains in suspense until May 27, it will die for this session, subject to reintroduction next year.

The bill was tabled because the Appropriations Committee concluded that the exit interviews required by the bill would cause the counties to incur expenses that the California Constitution mandates the state to reimburse. The bill's sponsor, the California Special Districts Association (CSDA), is currently conducting a survey of grand juries in an attempt to demonstrate that the interviews will not result in an "unfunded state mandate." We will probably not know if that effort is successful until the end of the month.

Let me remind you about CGJA's involvement with this legislation. When we first got wind of a proposed bill late last year, we immediately started working with CSDA to try to ensure that the bill would not impair the operations of the grand jury. At that time, CSDA's proposal was to have grand juries hold their final reports for 90 days and insert the entities' responses into the report itself before it was released publicly. We were able to convince CSDA to delete that provision early on. Talks were still underway when the bill was introduced in February, and the original version contained a number of provisions that we believed were not workable or could compromise grand jury confidentiality.

We secured the assistance of a certified lobbyist, who urged us to continue to work with the bill's sponsor because "just saying no" usually doesn't work to a bill opponent's advantage. That is especially the case here, where the CSDA has hundreds of clients (districts) that could lobby the Legislature in support of the bill. We were advised that it would be better to stay engaged and reach a compromise we can live with.

Based on that advice, we continued talking with CSDA and were able to develop compromise language that was amended into the bill on March 28. As with most compromises, we did not get everything we pushed for -- but the bill is significantly better than it would have been without our efforts. In fact, we support the provision that would make exit interviews mandatory in most cases. The other main provision of the bill would allow entities to submit a preliminary response to a report within six working days; if they did that, the grand jury would be required to post the preliminary response on its website and reference the website in its report.

We negotiated a further amendment, changing "A grand jury shall conduct at least one exit interview ..." to "A grand jury shall request at least one exit interview ..." in order to prevent an official from evading an exit interview in order to "kill" the report. However, the bill was tabled before that further amendment was inserted.

We believe that SB 1292, if revived, would not have a significant impact on grand jury operations. Most grand juries now routinely conduct exit interviews because they want to confirm that their findings are accurate - and they want to avoid the adverse publicity that results from errors in their findings. And we believe that the provisions related to preliminary responses will not inhibit the grand jury's robust, and sometimes critical, examinations of local government.

We understand that the Appropriations Committee won't allow the bill to proceed unless CSDA proves that it would be cost neutral. We will let you know if CSDA is able to make this showing and resurrect the bill.

Karen Jahr
President, CGJA

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