

NOTES OF DECISIONS

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Grand jury investigation under Criminal Practice Act was had upon complaint by public prosecutor, private person, or declaration of grand juror. *People v Lawrence* (1863) 21 C 368.

This section prescribes sole function and duty of disqualified grand juror, viz., declaration to his fellow jurors of offense of which he has knowledge to permit their investigation independent of him. *People v Bright* (1910) 157 C 663, 109 P 33.

The power of grand jury under this section to investigate crime does not include power to employ investigators. *Allen v Payne* (1934) 1 C2d 607, 36 P2d 614.

While grand jury should not engage in "fishing expeditions" or indiscriminate meddling with public or private affairs in which it is without jurisdiction to act or to investigate, when grand jurors possess personal knowledge or are furnished with reliable knowledge indicating that crime has been committed by someone within borders of county, it is duty of grand jury to fiercely and fairly investigate charges and indict culpable party if evidence warrants that finding. *Samish v Superior Court* (1938) 28 CA2d 685, 83 P2d 305.

↙
§ 919. [Inquiry into case of prisoner not indicted; Prison conditions; Malfeasance of public officer]

(a) The grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.

(b) The grand jury shall inquire into the condition and management of the public prisons within the county.

↙
(c) The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county.

Added Stats 1959 ch 501 § 2 p 2448; Amended Stats 1976 ch 895 § 2.

Prior Law:

(a) Former § 923, as amended by Stats 1905 ch 531 § 2 p 694.

(b) Criminal Practice Act § 214 (Stats 1851 ch 29 § 214 p 235).

(c) Stats 1850 ch 119 § 235 p 292.

(d) NY Code Crim Proc § 260.

MUNICIPAL
COURT JUDGES
ARE
PUBLIC
OFFICERS.

Amendments:

1976 Amendment: (1) Included the introductory clause in subd (a); (2) substituted "may" for "shall" in subd (a); and (3) added "grand jury shall inquire into the" in subds (b) and (c).

Former Section: Former § 919, similar to present § 939.6, was enacted 1872, amended by Stats 1905 ch 531 § 2 p 694, and repealed by Stats 1959 ch 501 § 1 p 2443.

Cross References:

Access to public prisons and public records: § 921.

Statutory provisions governing powers and duties of grand jury in connection with proceedings to remove local officers: § 922.

Investigation of county, city, and district affairs: §§ 925 et seq.

When public sessions may be held in investigation of public officers: § 939.1.

Collateral References: