



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Judiciary Committee
March 19, 2008**

**Senate Bill 695, An Act Concerning
Investigatory Grand Juries**

Good afternoon. I am submitting written testimony, on behalf of the Judicial Branch, in regards to **Senate Bill 695, *An Act Concerning Investigatory Grand Juries***.

This bill would expand the universe of crimes for which the grand jury process may be utilized by including various additional crimes and eliminating the requirement that a state's attorney demonstrate that he or she has "no other means of obtaining sufficient information" with regard to felonies punishable by a term of imprisonment in excess of five years. With regard to such felonies, a state's attorney under this legislation must instead demonstrate that "the interests of justice require the use of an investigatory grand jury." This change makes it easier for a state's attorney to apply for and obtain a grand jury investigation for such felonies. It would also extend the maximum period of time for an investigation from six to twelve months and eliminate the requirement that an investigatory grand jury establish the "necessity" of an extension of time, thereby making it more likely that applications for extensions will be granted. In addition, it would provide that the Grand Jury Panel's summary of the scope of the investigation presumptively "shall not be public" unless the Panel determines that it should be public for certain specified reasons. Previously the summary was presumptively public.

The Judicial Branch is not taking a position on these substantive changes, as we believe that they fall into the category of a policy decision that is clearly within the purview of the Legislature. However, the bill would result in significant additional work that must be performed by Judicial Branch staff and which cannot be absorbed within current resources. Therefore, we would suggest that if it is favorably considered by this Committee, it must be sent on to the Appropriations Committee for consideration of those needs

The effect of this bill would be to transform the investigatory grand jury, which currently is a highly specialized "niche" procedure, into a more general investigative tool for prosecutors. It will likely result in a substantial increase in the number of grand jury applications made and granted, with a concomitant need for the Judicial Branch to devote more resources to the grand jury process. The Grand Jury Panel will likely have many more applications to adjudicate, more judges will be required to serve as investigatory grand jurors, and the length of the investigations will be extended. The new subpoena process also will result in additional work for investigatory grand jurors. Judge Joseph A. Licari, Jr., Chair of the Grand Jury Panel, agrees that this legislation will likely result in substantial additional work for the Panel and investigatory grand jurors and indicated that more judges would be needed to assist in the grand jury process. This legislation will also result in substantial additional work for the Legal Services Unit, which provides administrative and legal support to the Grand Jury Panel and will be responsible for revising grand jury forms to comply with this legislation.

In addition, section 5(b) requires that the Judicial Department appoint, from a list maintained by it, counsel for any witness who is determined to be indigent. Indigency is established by filing with the court a "financial affidavit of indigency in such form as shall be prescribed by the Judicial Department." The cost for counsel "shall be established by, and paid from funds appropriated to, the Judicial Department." This will require, among other things, funding for said counsel.

Thank you for your consideration.