



General Assembly

January Session, 2013

**Raised Bill No. 6698**

LCO No. 5504



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING GRAND JURY REFORM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-47b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 For the purposes of sections 54-47a to 54-47h, inclusive:

4 (1) "Applicant" means [any judge of the Superior Court, Appellate  
5 Court or Supreme Court,] the Chief State's Attorney or a state's  
6 attorney who makes an application to a [panel of judges] presiding  
7 judge for an investigation into the commission of a crime or crimes.

8 (2) "Crime or crimes" means (A) any crime or crimes involving  
9 corruption in the executive, legislative or judicial branch of state  
10 government or in the government of any political subdivision of the  
11 state, (B) fraud by a vendor of goods or services in the medical  
12 assistance program under Title XIX of the Social Security Act  
13 Amendments of 1965, as amended, (C) any violation of chapter 949c,

14 (D) any violation of the election laws of the state, (E) any felony  
15 involving the unlawful use or threatened use of physical force or  
16 violence committed with the intent to intimidate or coerce the civilian  
17 population or a unit of government, and (F) any other class A, B or C  
18 felony or any unclassified felony punishable by a term of  
19 imprisonment in excess of five years for which the Chief State's  
20 Attorney or state's attorney demonstrates that [he or she has no other  
21 means of obtaining sufficient information as to whether a crime has  
22 been committed or the identity of the person or persons who may have  
23 committed a crime] the interests of justice require the use of an  
24 investigatory grand jury.

25 (3) "Investigatory grand jury" means a judge [ ] or constitutional  
26 state referee [or any three judges of the Superior Court, other than a  
27 judge designated by the Chief Justice to serve on the panel, appointed  
28 by the Chief Court Administrator to conduct an investigation into the  
29 commission of a crime or crimes] assigned to the presiding judge's  
30 judicial district and designated by the presiding judge.

31 (4) ["Panel of judges" or "panel" means a panel of three Superior  
32 Court judges designated by the Chief Justice of the Supreme Court  
33 from time to time to receive applications for investigations into the  
34 commission of crimes in accordance with the provisions of sections 54-  
35 47a to 54-47h, inclusive, one of whom may be the Chief Court  
36 Administrator.] "Presiding judge" means the presiding judge of the  
37 criminal session of the superior court that handles capital felonies  
38 under the provisions of section 53a-54b in effect prior to April 25, 2012,  
39 class A felonies and unclassified felonies for which the sentence that  
40 may be imposed exceeds twenty years, for the judicial district where  
41 the crime or crimes are reasonably suspected to have been committed.

42 (5) "Target" means a person who is reasonably suspected of  
43 committing a crime or crimes and is the subject of the investigation.

44 Sec. 2. Section 54-47c of the general statutes is repealed and the

45 following is substituted in lieu thereof (*Effective October 1, 2013*):

46 (a) [Any judge of the Superior Court, Appellate Court or Supreme  
47 Court, the] The Chief State's Attorney in consultation with the state's  
48 attorney or state's attorneys in the judicial district or districts where a  
49 crime or crimes are reasonably suspected of having been committed, or  
50 a state's attorney in consultation with the Chief State's Attorney, may  
51 make application to a [panel of judges] presiding judge for an  
52 investigation into the commission of a crime or crimes whenever such  
53 applicant [has reasonable belief] reasonably suspects that a crime or  
54 crimes have been committed and attests that the [administration]  
55 interests of justice requires that an investigation [to determine whether  
56 or not there is probable cause to believe that a] be conducted into said  
57 crime or crimes. [have been committed] The applicant or an attorney  
58 or attorneys designated by such applicant shall conduct the  
59 investigation.

60 (b) Each application for an investigation into the commission of a  
61 crime or crimes shall be made in writing upon oath or affirmation to [a  
62 panel of judges] the presiding judge. Each application shall include the  
63 following information: (1) The identity of the applicant and [his] such  
64 applicant's authority to make such application; (2) a full and complete  
65 statement of the facts and circumstances relied upon by the applicant  
66 to justify [his] such applicant's reasonable belief that the [investigation  
67 will lead to a finding of probable cause that a crime or crimes have  
68 been committed] interests of justice require the use of an investigatory  
69 grand jury, including the reasons why the ability to compel the  
70 attendance of witnesses and the production of documents and other  
71 tangible evidence will substantially aid the investigation; and (3) a full  
72 and complete statement of the facts concerning all previous  
73 applications known to the applicant, made to any [panel of judges]  
74 presiding judge, for investigation of any one or more of the same  
75 criminal offenses involving any of the same persons specified in the  
76 application, including the action taken by the [panel] presiding judge  
77 on each such application. The [panel of judges] presiding judge may

78 require such additional testimony or documentary evidence in support  
79 of facts in the application as [it] such judge deems necessary. Such  
80 additional testimony shall be transcribed. The application shall also  
81 include a full and complete statement of the status of the investigation  
82 and of the evidence collected as of the date of such application.

83 [(c) If the application is made by the Chief State's Attorney or a  
84 state's attorney, it shall also include (1) a full and complete statement  
85 of the status of the investigation and of the evidence collected as of the  
86 date of such application, (2) if other normal investigative procedures  
87 have been tried with respect to the alleged crime, a full and complete  
88 statement specifying the other normal investigative procedures that  
89 have been tried and the reasons such procedures have failed or the  
90 specific nature of the alleged crime or the nature of the investigation  
91 that leads the applicant to reasonably conclude that the use of normal  
92 investigative procedures would not result in the obtaining of  
93 information that would advance the investigation or would fail to  
94 secure and preserve evidence or testimony that might otherwise be  
95 compromised, (3) if other normal investigative procedures have not  
96 been tried, a full and complete statement of the reasons such  
97 procedures reasonably appear to be unlikely to succeed if tried or be  
98 too dangerous to employ, and (4) a full and complete statement of the  
99 reasons for the applicant's belief that the appointment of an  
100 investigatory grand jury and the investigative procedures employed  
101 by such investigatory grand jury will lead to a finding of probable  
102 cause that a crime or crimes have been committed.]

103 [(d)] (c) The [panel] presiding judge may approve the application  
104 and order an investigation into the commission of a crime or crimes if  
105 [it] such judge finds that [(1) the administration of justice requires an  
106 investigation to determine whether or not there is probable cause to  
107 believe that a crime or crimes have been committed, (2) if the  
108 application was made by the Chief State's Attorney or a state's  
109 attorney, other normal investigative procedures with respect to the  
110 alleged crime have been tried and have failed or reasonably appear to

111 be unlikely to succeed if tried or be too dangerous to employ or, due to  
112 the specific nature of the alleged crime or the nature of the  
113 investigation, it is reasonable to conclude that the use of normal  
114 investigative procedures would not result in the obtaining of  
115 information that would advance the investigation or would fail to  
116 secure and preserve evidence or testimony that might otherwise be  
117 compromised, and (3) the investigative procedures employed by an  
118 investigatory grand jury appear likely to succeed in determining  
119 whether or not there is probable cause to believe that a crime or crimes  
120 have been committed] the interests of justice require the use of an  
121 investigatory grand jury and that allowing the applicant to compel the  
122 attendance of witnesses and the production of documents and other  
123 tangible evidence will substantially aid the investigation.

124 Sec. 3. Section 54-47d of the general statutes is repealed and the  
125 following is substituted in lieu thereof (*Effective October 1, 2013*):

126 (a) If the [panel] presiding judge approves the application and  
127 orders an investigation into the commission of a crime or crimes, the  
128 [Chief Court Administrator] presiding judge shall (1) appoint an  
129 investigatory grand jury [to conduct the investigation] before which  
130 sworn testimony may be taken and documents and other tangible  
131 evidence produced, and (2) designate the court location in the judicial  
132 district where any motions to quash and any contempt proceedings  
133 shall be heard and any findings and records of the investigation shall  
134 be filed. The location of the investigatory grand jury shall be in the  
135 judicial district where the crime or crimes being investigated are  
136 reasonably suspected of having been committed unless the presiding  
137 judge, because of the circumstances of the case, determines that it  
138 should be located in another judicial district and designates the court  
139 location in such judicial district.

140 (b) Each order authorizing the investigation into the commission of  
141 a crime or crimes by the [panel] presiding judge shall specify: (1) The  
142 date of issuance of the order, (2) the period of time within which the

143 investigation is to be conducted, provided in no event shall the  
144 investigation be longer than [six] twelve months from the date the  
145 [Chief Court Administrator] presiding judge appoints the  
146 investigatory grand jury, [to conduct the investigation,] unless an  
147 application for an extension of time is filed and granted pursuant to  
148 subsection (c) of this section, (3) the scope of the investigation, and (4)  
149 the [panel's] presiding judge's reasons for finding that [(A) the  
150 administration of justice requires an investigation to determine  
151 whether or not there is probable cause to believe that a crime or crimes  
152 have been committed, (B) if the application was made by the Chief  
153 State's Attorney or a state's attorney, other normal investigative  
154 procedures with respect to the alleged crime have been tried and have  
155 failed or reasonably appear to be unlikely to succeed if tried or be too  
156 dangerous to employ, or, due to the specific nature of the alleged crime  
157 or the nature of the investigation, it is reasonable to conclude that the  
158 use of normal investigative procedures would not result in the  
159 obtaining of information that would advance the investigation or  
160 would fail to secure and preserve evidence or testimony that might  
161 otherwise be compromised, and (C) the investigative procedures  
162 employed by the investigatory grand jury appear likely to succeed in  
163 determining whether or not there is probable cause to believe that a  
164 crime or crimes have been committed] the interests of justice require  
165 the use of an investigatory grand jury, including the reasons why the  
166 ability to compel the attendance of witnesses and the production of  
167 documents and other tangible evidence will substantially aid the  
168 investigation. The [panel] presiding judge shall retain a copy of the  
169 order and the original application and shall transmit to the  
170 investigatory grand jury, appointed pursuant to subsection (a) of this  
171 section, the original order and a copy of the application filed with the  
172 [panel] presiding judge.

173 (c) The investigatory grand jury may make an application to the  
174 [panel of judges] presiding judge for an extension of time within which  
175 to conduct [its] the investigation or for an amendment to the scope of

176 [its] the investigation. The application for extension or amendment  
177 shall set forth the reasons for the [necessity of such] extension or  
178 amendment. No more than two extensions or amendments of an order  
179 may be granted by the [issuing panel] presiding judge. The period of  
180 any extension shall be no longer than the [panel] presiding judge  
181 deems necessary to achieve the purposes for which it was granted and  
182 in no event shall any extension be for a period longer than six months.

183 Sec. 4. Section 54-47e of the general statutes is repealed and the  
184 following is substituted in lieu thereof (*Effective October 1, 2013*):

185 Any order authorizing the investigation into the commission of a  
186 crime or crimes and any application filed with [the panel] a presiding  
187 judge pursuant to section 54-47c, as amended by this act, or subsection  
188 (c) of section 54-47d, as amended by this act, shall be sealed. [The panel  
189 shall submit to the Chief Court Administrator a summary of the scope  
190 of the investigation, any recommendation as to the court location at  
191 which any motions to quash and any contempt proceedings are to be  
192 heard and the finding and record of the investigation are to be filed.  
193 Such summary shall be public unless the panel determines, by majority  
194 vote, that such summary be sealed for purposes of (1) ensuring the  
195 public safety of any individual, (2) ensuring that the investigation  
196 would not be adversely affected, or (3) complying with other  
197 provisions of the general statutes or rules of court which prohibit  
198 disclosure of such information. Any investigation by the investigatory  
199 grand jury shall be conducted in private, provided the panel, by a  
200 majority vote, may order the investigation or any portion thereof to be  
201 public when such disclosure or order is deemed by the panel to be in  
202 the public interest.]

203 Sec. 5. Section 54-47f of the general statutes is repealed and the  
204 following is substituted in lieu thereof (*Effective October 1, 2013*):

205 [(a) The investigatory grand jury, in conducting the investigation,  
206 may (1) seek the assistance of the Chief State's Attorney or state's

207 attorney who filed the application, or his designee, (2) appoint an  
208 attorney to provide assistance if a judge of the Superior Court,  
209 Appellate Court or Supreme Court filed the application, or (3) appoint  
210 any other attorney to provide assistance when necessary in the interest  
211 of justice.]

212 [(b)] (a) The [attendance] appearance of witnesses and the  
213 production of documents [at such investigation] or other tangible  
214 evidence may be compelled by subpoena, signed by any official  
215 authorized to issue such process.

216 (1) No subpoena may be issued by the Chief State's Attorney or a  
217 state's attorney unless the investigatory grand jury approves the  
218 issuance of such subpoena. In determining whether to approve the  
219 issuance of such subpoena, the investigatory grand jury may consider  
220 whether the person to be summoned to appear and give testimony or  
221 produce documents or other tangible evidence has information  
222 relevant to the investigation. Any subpoena issued pursuant to this  
223 subdivision shall be served at least seventy-two hours before the date  
224 and time of appearance, not including holidays and weekends, and  
225 contain a notice advising the person summoned (A) whether such  
226 person is the target of the investigation, (B) that such person has the  
227 right to have counsel present while such person is being examined by  
228 the investigatory grand jury and to consult with such counsel, (C) that  
229 if such person is indigent, such person has the right to have counsel  
230 appointed to represent such person, and (D) that such person has the  
231 right not to be compelled to be a witness, or give evidence, against  
232 himself or herself.

233 (2) No person summoned to appear and give testimony or produce  
234 documents or other tangible evidence shall be required to testify or  
235 produce documents or other tangible evidence if (A) compliance with  
236 the subpoena by such person would be unduly burdensome, (B) the  
237 investigative grand jury determines that the primary purpose of the  
238 issuance of the subpoena is to harass the person subpoenaed, (C) such

239 person has already been punished pursuant to subsection (c) of this  
240 section for such person's refusal to testify or produce documents or  
241 other tangible evidence before any investigatory grand jury related to  
242 the same crime or crimes, or (D) such person has not been advised of  
243 such person's rights as specified in subdivision (1) of this subsection.

244 (b) Any person summoned to appear and give testimony or produce  
245 documents or other tangible evidence pursuant to subsection (a) of this  
246 section may apply to the court of the judicial district designated by the  
247 presiding judge pursuant to subsection (a) of section 54-47d, as  
248 amended by this act, for the appointment of counsel to represent such  
249 person before the investigatory grand jury. Such person shall file with  
250 the court a sworn financial affidavit of indigency in such form as shall  
251 be prescribed by the Judicial Department. If the court determines that  
252 such person is indigent, it shall appoint counsel to represent such  
253 person. The Judicial Department shall maintain a list of trial counsel  
254 experienced in advising or defending defendants in criminal  
255 proceedings whom the court may appoint to represent persons  
256 summoned to appear and give testimony or produce documents or  
257 other tangible evidence before an investigatory grand jury. The cost for  
258 such counsel shall be established by, and paid from funds  
259 appropriated to, the Judicial Department.

260 (c) If any witness properly summoned fails to appear or to produce  
261 any documents or other tangible evidence included in the subpoena, or  
262 if [he] such witness fails to answer any proper question, the  
263 investigatory grand jury [conducting the investigation] may report the  
264 matter to the state's attorney for the judicial district [which] that has  
265 been designated [in] under subsection (a) of section 54-47d, as  
266 amended by this act, unless such state's attorney is the applicant, [or  
267 has been appointed to assist in such investigation,] in which case the  
268 investigatory grand jury shall report the matter to the Chief State's  
269 Attorney, and such state's attorney or Chief State's Attorney, as the  
270 case may be, may file a complaint setting forth the facts at any criminal  
271 session of the superior court in such judicial district. The court shall

272 thereupon issue a citation to the witness to appear before the court and  
273 show cause why [he] such witness should not be punished as for a  
274 contempt, and if, after hearing, the court finds that [he] such witness  
275 failed to appear without due cause or failed to produce any document  
276 or other tangible evidence properly to be presented to the  
277 investigatory grand jury or failed to answer any proper question in the  
278 course of the investigation, it may punish [him] such witness as it  
279 might a witness failing to appear, to produce a document properly to  
280 be considered or to answer a proper question before the court.

281 (d) Witnesses may be examined by the investigatory grand jury  
282 [conducting the investigation] or by any attorney or attorneys  
283 appointed by such investigatory grand jury [for such purpose] to  
284 conduct the investigation. At the hearing, the [official] attorney or  
285 attorneys conducting the investigation shall inform the witness that  
286 [he] such witness has the right to have counsel present and to consult  
287 with such counsel. A witness shall have the right to leave the  
288 investigatory grand jury room to consult with such witness's counsel at  
289 reasonable times and for a reasonable period of time upon the request  
290 of the witness.

291 (e) (1) The [official] attorney or attorneys conducting the  
292 investigation shall inform [any] a witness who is a target [of the  
293 investigation] that [he] such witness is a target and [shall advise him]  
294 that [he] such witness has the right under the Constitution of the  
295 United States and the Constitution of Connecticut not to be compelled  
296 to be a witness, or to give evidence, against himself or herself. Neither  
297 the Chief State's Attorney nor a state's attorney shall summon before  
298 an investigatory grand jury a target who has stated through such  
299 person's counsel that such person intends to invoke such person's  
300 privilege against self-incrimination.

301 (2) A target may testify before the investigatory grand jury. The  
302 attorney or attorneys conducting the investigation shall notify such  
303 target of such person's right to testify, unless such notification may

304 result in such person's flight, endanger other persons or obstruct  
305 justice or unless such attorney or attorneys are unable to notify the  
306 target with reasonable diligence. A target may request, orally or in  
307 writing, the investigatory grand jury to cause a person identified by  
308 such target to be summoned as a witness in the investigation. The  
309 investigatory grand jury may summon such witness pursuant to  
310 subsection (a) of this section.

311 (f) Any attorney appointed to [assist in conducting] conduct the  
312 investigation shall disclose to the investigatory grand jury any  
313 exculpatory information or material in [his] such attorney's possession,  
314 custody or control concerning any person who is a target. [of the  
315 investigation.]

316 (g) An official stenographer of the Superior Court or [his] such  
317 stenographer's assistant shall record any testimony taken at the  
318 investigation.

319 Sec. 6. Section 54-47g of the general statutes is repealed and the  
320 following is substituted in lieu thereof (*Effective October 1, 2013*):

321 (a) [Within] Not later than sixty days [of] after the conclusion of the  
322 investigation, [the investigatory grand jury conducting such  
323 investigation shall file its finding with the court of the judicial district  
324 designated by the Chief Court Administrator pursuant to subsection  
325 (a) of section 54-47d, and shall file a copy of its finding with the panel  
326 and with the Chief State's Attorney or a state's attorney if such Chief  
327 State's Attorney or state's attorney made application for the  
328 investigation. The] the stenographer shall file any record of the  
329 investigation with the court of the judicial district designated by the  
330 [Chief Court Administrator] presiding judge pursuant to subsection (a)  
331 of section 54-47d, as amended by this act. [and the panel and the Chief  
332 State's Attorney or a state's attorney, if such] The Chief State's Attorney  
333 or state's attorney who made application for the investigation [,] shall  
334 have access to such record upon request made to the clerk of the court

335 without a hearing. [Such finding shall state whether or not there is  
336 probable cause to believe that a crime or crimes have been committed.  
337 Except as otherwise provided in this section, any part of the] The  
338 record of the investigation [not disclosed with the finding pursuant to  
339 subsection (b) of this section] shall be sealed, provided any person may  
340 file an application with the [panel] presiding judge for disclosure of  
341 any such part of the record. Upon receipt of such application, the  
342 [panel] presiding judge shall, after notice, hold a hearing and [the  
343 panel, by a majority vote,] may disclose any such part of the record  
344 when such disclosure is deemed by the [panel] presiding judge to be in  
345 the public interest, except that no part of the record shall be disclosed  
346 which contains allegations of the commission of a crime by an  
347 individual if the [investigatory grand jury failed to find probable  
348 cause] Chief State's Attorney or state's attorney has not obtained an  
349 arrest warrant that sets forth that there is probable cause to believe that  
350 such individual committed such crime unless such individual requests  
351 the release of such part of the record. Any person aggrieved by an  
352 order of the [panel] presiding judge shall have the right to appeal such  
353 order by filing a petition for review with the Appellate Court [within]  
354 not later than seventy-two hours [from] after the issuance of such  
355 order.

356 (b) The investigatory grand jury may issue a finding of the  
357 investigation if it finds such issuance to be in the public interest. The  
358 investigative grand jury shall file a copy of such finding, if issued, with  
359 the Chief State's Attorney or the state's attorney that made application  
360 for the investigation. Any such finding of the investigation shall be  
361 open to public inspection [and copying at the court where it has been  
362 filed] for seven calendar days after it has been [filed] issued, unless  
363 within that period the Chief State's Attorney or a state's attorney with  
364 whom the finding was filed files a motion with the investigatory grand  
365 jury requesting that a part or all of such finding not be so disclosed.  
366 The finding may include all or such part of the record as the  
367 investigatory grand jury may determine, except that no part of the

368 record shall be disclosed which contains allegations of the commission  
369 of a crime by an individual if the [investigatory grand jury failed to  
370 find probable cause] Chief State's Attorney or state's attorney has not  
371 obtained an arrest warrant that sets forth that there is probable cause  
372 to believe that such individual committed such crime unless such  
373 individual requests the release of such part of the record. In such event  
374 as much of the finding as has not been sought to be withheld from  
375 disclosure shall be disclosed promptly upon the expiration of said  
376 seven-calendar-day period.

377 (c) [Within] Not later than fifteen calendar days [of] after the filing  
378 of such motion, the investigatory grand jury shall conduct a hearing.  
379 The investigatory grand jury shall give written notice of such hearing  
380 to the person filing such motion and any other person the  
381 investigatory grand jury deems to be an interested party to the  
382 proceedings, which may include, but not be limited to, persons who  
383 testified or were the subject of testimony before the investigatory  
384 grand jury. [Within] Not later than five calendar days [of] after the  
385 conclusion of the hearing, the investigatory grand jury shall render its  
386 decision, and shall send copies thereof to all those to whom it gave  
387 notice of the hearing. It shall deny any such motion unless it makes  
388 specific findings of fact on the record that there is a substantial  
389 probability that one of the following interests will be prejudiced by  
390 publicity that nondisclosure would prevent, and that reasonable  
391 alternatives to nondisclosure cannot adequately protect that interest:  
392 (1) The right of a person to a fair trial; (2) the prevention of potential  
393 defendants from fleeing; (3) the prevention of subornation of perjury  
394 or tampering with witnesses; or (4) the protection of the lives and  
395 reputations of innocent persons which would be significantly damaged  
396 by the release of uncorroborated information. Any order of  
397 nondisclosure shall be drawn to protect the interest so found.

398 (d) Any person aggrieved by an order of the investigatory grand  
399 jury shall have the right to appeal such order by filing a petition for  
400 review with the Appellate Court [within] not later than seventy-two

401 hours [from] after the issuance of such order.

402 (e) The Appellate Court shall provide an expedited hearing on such  
403 petition in accordance with such rules as the judges of the Appellate  
404 Court may adopt, consistent with the rights of the petitioner and the  
405 parties.

406 (f) Notwithstanding the existence of an order of nondisclosure  
407 under this section, any witness may apply in writing to the presiding  
408 judge of the criminal session of the court of the judicial district wherein  
409 the record of the investigation has been filed, or [his] such judge's  
410 designee, for access to and a copy of the record of his own testimony.  
411 Any witness shall be allowed access, at all reasonable times, to the  
412 record of [his] such witness's own testimony and be allowed to obtain  
413 a copy of such record unless [said] such judge or [his] such judge's  
414 designee finds after a hearing and for good cause shown that it is not  
415 in the best interest of justice to allow the witness to have access to and  
416 a copy of the record of [his] such witness's testimony.

417 (g) Notwithstanding the existence of an order of nondisclosure  
418 under this section, the presiding judge [of the criminal session of the  
419 court of the judicial district wherein the record of the investigation has  
420 been filed,] or [his] such judge's designee [,] shall grant any written  
421 request of a person accused of a crime as a result of the investigation to  
422 have access, at all reasonable times, to the record of [his] such person's  
423 own testimony and to obtain a copy of such record.

424 Sec. 7. Section 54-47h of the general statutes is repealed and the  
425 following is substituted in lieu thereof (*Effective October 1, 2013*):

426 In January of each year, [the panel of judges appointed pursuant to  
427 section 54-47b] each presiding judge who received an application or  
428 applications for an investigation into the commission of a crime or  
429 crimes shall report to the Chief Court Administrator, who shall in turn  
430 report to the Chief Justice, Governor and General Assembly, the  
431 following information with respect to applications made during the

432 preceding calendar year: (1) The number of applications for an  
433 investigation into the commission of a crime or crimes filed with the  
434 [panel] presiding judge; (2) the number of applications approved by  
435 the [panel] presiding judge; [and] (3) the number of applications  
436 approved for extensions of time or amendments to the order; and (4)  
437 the disposition of any criminal charges brought as a result of  
438 investigations conducted pursuant to such applications.

439 Sec. 8. Section 54-47a of the general statutes is repealed and the  
440 following is substituted in lieu thereof (*Effective October 1, 2013*):

441 (a) Whenever in the judgment of the Chief State's Attorney, a state's  
442 attorney or the deputy chief state's attorney, the testimony of any  
443 witness or the production of books, papers or other evidence of any  
444 witness (1) in any criminal proceeding involving narcotics, arson,  
445 bribery, gambling, election law violations, felonious crimes of violence,  
446 any violation which is an offense under the provisions of title 22a,  
447 corruption in the executive, legislative or judicial branch of state  
448 government or in the government of any political subdivision of the  
449 state, fraud by a vendor of goods or services in the medical assistance  
450 program under Title XIX of the Social Security Act amendments of  
451 1965, as amended, any violation of chapter 949c, or any other class A, B  
452 or C felony or unclassified felony punishable by a term of  
453 imprisonment in excess of five years for which the Chief State's  
454 Attorney or state's attorney demonstrates that [he] such attorney has  
455 no other means of obtaining sufficient information as to whether a  
456 crime has been committed or the identity of the person or persons who  
457 may have committed a crime, before a court or grand jury of this state,  
458 or (2) in any investigation conducted by [an investigatory grand jury]  
459 the Chief State's Attorney or a state's attorney or their designees as  
460 provided in sections 54-47b to 54-47g, inclusive, as amended by this  
461 act, is necessary to the public interest, the Chief State's Attorney, the  
462 state's attorney, or the deputy chief state's attorney, may, with notice to  
463 the witness, after the witness has claimed his privilege against self-  
464 incrimination, make application to the court for an order directing the

465 witness to testify or produce evidence subject to the provisions of this  
466 section.

467 (b) Upon the issuance of the order such witness shall not be excused  
468 from testifying or from producing books, papers or other evidence in  
469 such case or proceeding on the ground that the testimony or evidence  
470 required of [him] such witness may tend to incriminate [him] such  
471 witness or subject [him] such witness to a penalty or forfeiture. No  
472 such witness may be prosecuted or subjected to any penalty or  
473 forfeiture for or on account of any transaction, matter or thing  
474 concerning which [he] such witness is compelled to testify or produce  
475 evidence, and no testimony or evidence so compelled, and no evidence  
476 discovered as a result of or otherwise derived from testimony or  
477 evidence so compelled, may be used as evidence against [him] such  
478 witness in any proceeding, except that no witness shall be immune  
479 from prosecution for perjury or contempt committed while giving such  
480 testimony or producing such evidence. Whenever evidence is objected  
481 to as inadmissible because it was discovered as a result of or otherwise  
482 derived from compelled testimony or evidence, the burden shall be  
483 upon the person offering the challenged evidence to establish a source  
484 independent of the compelled testimony or evidence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	54-47b
Sec. 2	<i>October 1, 2013</i>	54-47c
Sec. 3	<i>October 1, 2013</i>	54-47d
Sec. 4	<i>October 1, 2013</i>	54-47e
Sec. 5	<i>October 1, 2013</i>	54-47f
Sec. 6	<i>October 1, 2013</i>	54-47g
Sec. 7	<i>October 1, 2013</i>	54-47h
Sec. 8	<i>October 1, 2013</i>	54-47a

**Statement of Purpose:**

To revise the investigatory grand jury procedure.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*