

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2498**

4 (By Delegates Marcum, Miley, Craig, Moore, White, Perry, Skaff,
5 Nelson, E., Ferro, Ferns and Eldridge)

6
7 (Originating in the House Committee on Finance.)

8
9 [March 29, 2013]

10
11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §52-2-15, relating to
13 grand jury proceedings; providing misdemeanor offense for
14 disclosure of matters occurring before a grand jury under
15 certain circumstances; providing exceptions; and providing
16 criminal penalties.

17 *Be it enacted by the Legislature of West Virginia:*

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §52-2-15 to read as
20 follows:

21 **ARTICLE 2. GRAND JURIES.**

22 **§52-2-15. Secrecy of Grand Jury Proceedings.**

23 (a) A grand juror, an interpreter, a stenographer, an operator
24 of a recording device, a typist who transcribes recorded testimony,

1 an attorney for the state, or any person to whom disclosure is made
2 under paragraph (B), subdivision (1), subsection(c) of this
3 section, shall not disclose matters occurring before the grand
4 jury, except as otherwise provided by subsection (c) of this
5 section, and rules promulgated by the Supreme Court of Appeals.

6 (b) A person who knowingly violates subsection (a)of this
7 section is guilty of a misdemeanor and, upon conviction, shall be
8 fined not more than \$1,000 or confined in jail not more than thirty
9 days, or both fined and confined.

10 (c) (1) Disclosure otherwise prohibited by this section of
11 matters occurring before the grand jury, other than its
12 deliberations and the vote of any grand juror, may be made to:

13 (A) An attorney for the state for use in the performance of
14 such attorney's duty; and

15 (B) Such official personnel as are deemed necessary by an
16 attorney for the state to assist an attorney for the state in the
17 performance of such attorney's duty to enforce criminal law.

18 (2) Disclosure otherwise prohibited by this section of matters
19 occurring before the grand jury may also be made:

20 (A) when so directed by a court preliminarily to or in
21 connection with a judicial proceeding;

22 (B) when permitted by a court at the request of the defendant,
23 upon a showing that grounds may exist for a motion to dismiss the
24 indictment because of matters occurring before the grand jury;

1 (C) when the disclosure is made by an attorney for the state
2 to another grand jury; or

3 (D) when permitted by a court at the request of an attorney
4 for the state, upon a showing that such matters may disclose a
5 violation of federal criminal law or of the law of another state,
6 to an appropriate official of the federal government or of such
7 other state for the purposes of enforcing such law.