

COMMITTEE SUBSTITUTE

FOR

H. B. 2498

(BY DELEGATE(S) MARCUM, MILEY, CRAIG, MOORE, WHITE,
PERRY, SKAFF, NELSON, E., FERRO, FERNS AND ELDRIDGE)

(Originating in the House Committee on Finance.)

[March 29, 2013]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. GRAND JURIES.

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

1 (a) A grand juror, an interpreter, a stenographer, an operator
2 of a recording device, a typist who transcribes recorded testi-
3 mony, an attorney for the state, or any person to whom disclo-
4 sure is made under paragraph (B), subdivision (1), subsection(c)
5 of this section, shall not disclose matters occurring before the
6 grand jury, except as otherwise provided by subsection (c) of this
7 section, and rules promulgated by the Supreme Court of Ap-
8 peals.

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

13 (c) (1) Disclosure otherwise prohibited by this section of
14 matters occurring before the grand jury, other than its delibera-
15 tions and the vote of any grand juror, may be made to:

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

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

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

23 (A) When so directed by a court preliminarily to or in
24 connection with a judicial proceeding;

25 (B) When permitted by a court at the request of the defen-
26 dant, upon a showing that grounds may exist for a motion to
27 dismiss the indictment because of matters occurring before the
28 grand jury;

29 (C) When the disclosure is made by an attorney for the state
30 to another grand jury; or

31 (D) When permitted by a court at the request of an attorney
32 for the state, upon a showing that such matters may disclose a
33 violation of federal criminal law or of the law of another state,
34 to an appropriate official of the federal government or of such
35 other state for the purposes of enforcing such law.

