

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

ENGROSSED

LLS NO. 26-0726.02 Amirah Vasquez x2851

HOUSE BILL 26-021

SENATE SPONSORSHIP

Petty

HOUSE SPONSORSHIP

McCall, Jennings, Watson

House Committees

Judiciary

Senate Committees

Not assigned

A BILL FOR AN ACT

**CONCERNING ENDING THE USE OF GRAND JURIES AND REQUIRING PROBABLE
CAUSE AFFIDAVITS IN ALL PROSECUTIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill eliminates the use of grand juries for criminal indictments in the State of San Andreas and requires that felony prosecutions be initiated through the filing of a sworn probable cause affidavit reviewed by a judge. The bill is intended to increase transparency and ensure that criminal charges are supported by clearly articulated factual evidence subject to judicial review.

**Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.**

Under the bill, felony charges may only proceed when a prosecutor or law enforcement officer submits a sworn affidavit establishing probable cause that an offense has been committed and that the accused committed the offense. A judge must independently determine that probable cause exists before charges may move forward. If probable cause cannot be established through a sworn affidavit, charges may not be filed.

The legislation repeals statutory provisions authorizing grand jury indictments and provides that defendants retain existing rights to preliminary hearings and judicial review of probable cause. Indictments returned prior to the effective date of the Act remain valid, while pending grand jury matters must proceed through the affidavit-based charging process.

The purpose of the Act is to replace grand jury proceedings with a uniform, judicially supervised charging system intended to promote accountability, consistency, and transparency in criminal prosecutions.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 SECTION 1. SHORT TITLE. This act shall be known and cited
4 as the “No Grand Juries Act.” SECTION 2. LEGISLATIVE
5 FINDINGS AND INTENT. (a) The General Assembly finds and
6 declares that: (I) Criminal prosecutions must be based upon
7 clearly articulated probable cause supported by sworn statements
8 and judicial review; (II) Charging decisions should be transparent
9 and subject to adversarial scrutiny to ensure fairness and
10 accountability; (III) Grand jury proceedings are conducted in
11 secret and do not provide an opportunity for the accused to
12 challenge evidence prior to indictment; (IV) Judicial
13 determinations of probable cause based on sworn affidavits
14 provide a consistent and constitutionally sufficient mechanism for
15 initiating criminal charges; (V) It is the intent of the General
16 Assembly to eliminate the use of grand juries within the State of
17 San Andreas and require that criminal prosecutions proceed

1 through judicially reviewed probable cause affidavits. **SECTION**
2 **3. ABOLITION OF GRAND JURY PROCEEDINGS.** (a) Grand
3 juries shall not be convened for routine criminal indictments;
4 however, a grand jury may be convened upon application to the
5 Chief Judge of a judicial district where necessary for: (I) Complex
6 multi-defendant investigations; (II) Organized criminal activity;
7 (III) Public corruption investigations; or (IV) Matters requiring
8 protection of confidential witnesses. (b) No person shall be
9 charged with a felony offense by indictment. (c) Any statutory
10 provision authorizing the use of a grand jury for purposes of
11 indictment is repealed. (d) Nothing in this Act shall prohibit use
12 of investigative grand juries for purposes other than returning
13 indictments, including subpoena authority authorized by law.
14 **SECTION 4. REQUIRED PROBABLE CAUSE AFFIDAVIT.**
15 (a) A felony prosecution shall be initiated only upon: (I) The
16 filing of a sworn probable cause affidavit; and (II) A judicial
17 determination that probable cause exists to believe that an offense
18 has been committed and that the accused committed the offense.
19 (b) The affidavit shall: (I) Be signed under oath or affirmation;
20 (II) Set forth specific facts supporting probable cause; (III)
21 Identify the sources of information relied upon; and (IV) Be
22 sufficient to permit independent judicial review. (c) If probable
23 cause cannot be established through a sworn affidavit, criminal
24 charges shall not be filed. (d) A judge shall review a submitted
25 probable cause affidavit within forty-eight hours of filing unless
26 extraordinary circumstances are shown. (e) The prosecuting
27 authority may supplement or amend a probable cause affidavit
28 prior to arraignment upon approval of the reviewing court. (f)
29 Upon motion of the prosecution, a court may permit limited
30 sealing or redaction of affidavit materials necessary to protect
31 confidential informants, ongoing investigations, or witness safety.
32 **SECTION 4.5. EMERGENCY CHARGING.** (a) Where
33 immediate detention is necessary to protect public safety, a

1 defendant may be arrested based upon probable cause prior to
2 judicial review, provided a sworn affidavit is submitted for
3 judicial determination within seventy-two hours. **SECTION 5.**
4 **PRELIMINARY HEARING RIGHTS.** (a) A defendant charged
5 by probable cause affidavit shall retain the right to a preliminary
6 hearing consistent with existing law. (b) Nothing in this Act shall
7 limit the ability of a court to dismiss charges where probable
8 cause is not established. (c) Following judicial determination of
9 probable cause, defendants shall receive access to the probable
10 cause affidavit and supporting materials subject to lawful
11 protective orders. **SECTION 6. TRANSITIONAL**
12 **PROVISIONS.** (a) Any indictment returned prior to the effective
13 date of this Act shall remain valid. (b) Pending grand jury
14 proceedings may continue where termination would substantially
15 prejudice an ongoing prosecution, as determined by the
16 supervising court. **SECTION 7. RULEMAKING AUTHORITY.**
17 The Judicial Branch and the Department of Law may promulgate
18 rules necessary to implement this Act. **SECTION 7.5.**
19 **IMPLEMENTATION REVIEW.** (a) The Judicial Branch shall
20 report to the General Assembly within two years regarding: (I)
21 Charging timelines; (II) Case dismissal rates; (III) Effects on
22 complex criminal prosecutions; and (IV) Recommendations for
23 statutory modification. **SECTION 8. EFFECTIVE DATE.** This
24 Act shall take effect after the 90 day period following the final
25 adjournment of the Seventy-Seventh general assembly.