

House Engrossed Senate Bill

vulnerable adults; jurisdiction; grand juries

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 206

SENATE BILL 1221

AN ACT

AMENDING SECTIONS 21-102 AND 21-422, ARIZONA REVISED STATUTES; RELATING TO JURIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 21-102, Arizona Revised Statutes, is amended to
3 read:

4 21-102. Juries; size; degree of unanimity required; waiver;
5 right to jury determination in certain civil
6 actions

7 A. A jury for trial of a criminal case in which a sentence of death
8 or imprisonment for thirty years or more is authorized by law shall
9 consist of twelve persons, and the concurrence of all shall be necessary
10 to render a verdict.

11 B. A jury for trial in any court of record of any other criminal
12 case shall consist of eight persons, and the concurrence of all shall be
13 necessary to render a verdict.

14 C. A jury for trial in any court of record of a civil case shall
15 consist of eight persons, and the concurrence of all but two shall be
16 necessary to render a verdict.

17 D. In a court not of record, a jury for trial of any case shall
18 consist of six persons. The concurrence of all in a criminal case and all
19 but one in a civil case shall be necessary to render a verdict.

20 E. The parties in a civil case, and the parties with the consent of
21 the court in a criminal case, may waive trial by jury, or at any time
22 before a verdict is returned consent to try the case with or receive a
23 verdict concurred in by a lesser number of jurors than that specified
24 above.

25 F. UNLESS THE PARTIES WAIVE TRIAL BY JURY PURSUANT TO SUBSECTION E
26 OF THIS SECTION, IN A CIVIL ACTION BROUGHT BY OR ON BEHALF OF THE STATE
27 FOR A VIOLATION OF A STATUTE THAT DECLARES AN ACT OR PRACTICE UNLAWFUL, A
28 JURY SHALL DETERMINE LIABILITY, WILFULNESS AND THE AMOUNT OF ANY AVAILABLE
29 MONETARY REMEDIES, INCLUDING RESTITUTION, DISGORGEMENT AND CIVIL
30 PENALTIES.

31 Sec. 2. Section 21-422, Arizona Revised Statutes, is amended to
32 read:

33 21-422. Powers and duties

34 A. The law applicable to county grand juries, including their
35 powers, duties and functions, applies to the state grand juries except
36 insofar as it is in conflict with this article. The supreme court shall
37 adopt rules to govern the procedures of state grand juries.

38 B. The state grand jury shall investigate and return indictments
39 for only those offenses or violations of law arising out of or in
40 connection with:

41 1. The determination or collection of state taxes, the registration
42 or failure to register securities, the offer or sale of securities, the
43 offer or sale of interests in land, the formation or operation of banks,
44 insurance companies, pension funds, labor unions, professional sports
45 enterprises, corporate enterprises, or business enterprises, the making

1 or collecting of loans, events leading to receivership or declaration of
2 bankruptcy by a business enterprise, the sale or purchase of goods or
3 services by or for the state or political subdivisions, bribery,
4 obstruction of justice, hindering prosecution or any form of intentional,
5 knowing or corrupt misconduct involving any person compensated by public
6 funds.

7 2. Any fraud, theft or possession, receipt, sale or transportation
8 of stolen property or other contraband, or gambling or prostitution or
9 narcotics, ~~which~~ THAT occurs in more than one county or ~~which~~ THAT occurs
10 in one county and affects the residents of another county or ~~which~~ THAT
11 may be prosecuted by more than one county attorney.

12 3. Perjury, false swearing, ~~OR~~ unsworn falsification, or any
13 violation of title 13, chapter 28 in connection with any state grand jury
14 proceeding, committed by any person testifying before it or in any trial
15 or other proceeding involving any indictment returned by a state grand
16 jury.

17 4. Any perjury by subornation or attempted perjury by subornation
18 relating to testimony before it or in any trial or other proceeding
19 involving any indictment returned by a state grand jury.

20 5. Any violation of title 13, chapter 23 or section 38-421 or
21 39-161.

22 6. Any violation of title 13, chapter 35.1 if committed using a
23 computer or network as defined in section 13-2301 and if any part of the
24 conduct either:

25 (a) Occurs in more than one county, state or country.

26 (b) Affects the residents of another county, state or country.

27 (c) May be prosecuted by more than one county, state or country.

28 7. ANY VIOLATION OF TITLE 13 OR 46 IF THE VICTIM IS A VULNERABLE
29 ADULT AS DEFINED IN SECTION 13-3623 OR 46-451.

30 ~~7.~~ 8. Any criminal wrongdoing that is referred in writing by a
31 county attorney and that is accepted in writing by the attorney general.

32 C. If a state grand jury, pursuant to an investigation under
33 subsection B of this section, learns of an offense for which it lacks
34 jurisdiction to indict, the grand jury shall direct the attorney general
35 to inform the appropriate prosecutorial authority.

36 D. ~~Nothing in~~ This article ~~shall be construed to~~ DOES NOT limit the
37 jurisdiction of the county grand juries or county attorneys, nor shall an
38 investigation by a state grand jury be deemed preemptive of a previously
39 instituted investigation by another grand jury or agency having
40 jurisdiction under the same subject matter unless good cause is shown.

APPROVED BY THE GOVERNOR APRIL 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2021.