

Committee on Judiciary

CS/HB 117 — Disclosure of Grand Jury Testimony

by Criminal Justice Subcommittee and Rep. Gossett-Seidman and others (CS/CS/SB 234 by Rules Committee; Judiciary Committee; and Senators Polsky and Martin)

The bill (Chapter 2024-7, L.O.F.) amends the statute that generally prohibits the disclosure of testimony or evidence received by a grand jury. Currently, there are three exceptions to the general prohibition: ascertaining whether the testimony is consistent with the testimony given by a witness before the court, determining whether a witness is guilty of perjury, or furthering justice.

The bill amends the third exception of “furthering justice” by expanding that concept to include furthering a public interest when the disclosure of testimony is requested by the media or an interested person. The testimony may be disclosed if:

- The subject of the grand jury inquiry is deceased.
- The grand jury inquiry related to criminal or sexual activity between the subject of the grand jury investigation and a person who was a minor at the time of the alleged criminal or sexual activity.
- The testimony was previously disclosed by a court order.
- The state attorney has provided notice of the request.

Even if these four conditions are met, the court may limit the disclosure of testimony, which may include redacting parts of the testimony.

The bill also adds the custodian of a grand jury record to the list of persons in statute who may not disclose the testimony of a witness examined before the grand jury or other evidence received by the grand jury.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 37-0; House 119-0