

House Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 35**  
**HOUSE BILL 2240**

AN ACT

AMENDING SECTIONS 21-401 AND 21-406, ARIZONA REVISED STATUTES; RELATING TO  
GRAND JURIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 21-401, Arizona Revised Statutes, is amended to  
3 read:

4 21-401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Alternate grand jurors" means the additional grand jurors who  
7 are selected AND SWORN at the time of impanelment but who are not  
8 ~~administered the oath unless a duly impanelled and sworn grand juror is~~  
9 ~~permanently excused by~~ DESIGNATED AS PERMANENT JURORS UNTIL the presiding  
10 judge of the superior court OR A DESIGNEE HAS PERMANENTLY EXCUSED A DULY  
11 IMPANELLED AND SWORN PERMANENT GRAND JUROR.

12 2. "Grand jury" means a body of the required number of qualified  
13 persons who are duly convened and impanelled by the presiding judge of the  
14 superior court and who are sworn to inquire into public offenses that may  
15 be tried within the county, including corrupt or willful misconduct in  
16 office of public officials within the county.

17 3. "Indictment" means an accusatory statement that is in writing,  
18 that is presented by the grand jury to the superior court and that charges  
19 the commission of a public offense that may be tried within the county.

20 Sec. 2. Section 21-406, Arizona Revised Statutes, is amended to  
21 read:

22 21-406. Absence

23 A. At any time, for good cause, the presiding judge of the superior  
24 court OR A DESIGNEE may excuse a grand juror temporarily or permanently.  
25 ~~In the event that~~ IF a grand juror is excused permanently, the presiding  
26 judge of the superior court or a designee may ~~administer the oath to~~  
27 REPLACE THE EXCUSED JUROR WITH an alternate grand juror so as to maintain  
28 the original membership at the prescribed number of persons. The  
29 alternate grand juror shall be selected as prescribed by ~~title 21,~~ chapter  
30 3 OF THIS TITLE.

31 B. ~~No~~ A grand juror shall NOT vote on any matter on which evidence  
32 has been taken in the juror's absence or before the juror's impanelment.

**APPROVED BY THE GOVERNOR MARCH 21, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2017.**

Passed the House January 30, 20 17

Passed the Senate March 13, 20 17

by the following vote: 58 Ayes,

by the following vote: 30 Ayes,

0 Nays, 2 Not Voting

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House  Pro Tempore

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

15<sup>th</sup> day of March, 20 17

at 4:02 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 21<sup>st</sup> day of

March, 2017

at 10:28 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 21 day of March, 20 17

at 4:51 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2240