DEPARTMENT: Board  
RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes  No X)

Approve sending request to legislators to adopt emergency legislation to change the Government Code to be consistent with Penal Code to allow grand juries with eleven members to file an accusation with eight members concurring instead of the existing 12 jurors as required by the Government Code.

Penal Code Section 888.2 allows counties with a population of 20,000 or less to have eleven grand jurors versus nineteen.

If approved, letters will be prepared to Senator Monteith and Assemblyman House, with a copy to Governor Wilson, CSAC and RCRC.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this request.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1) Approve sending request as recommended.
2) Take no action and the existing laws will remain with conflicts.

COSTS:  (x) Not Applicable
A. Budgeted current FY $ 
B. Total anticipated costs $ 
C. Required additional funding $ 
D. Internal transfers $ 

SOURCE:  ( ) 4/5ths Vote Required
A. Unanticipated revenues $ 
B. Reserve for contingencies $ 
C. Source description: Balance in Reserve for Contingencies, if approved: $ 

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK'S USE ONLY:
Res. No.: 35-388  
Vote - Ayes:  N oes:  
Absent:  Abstained:  
Approved: ( ) Denied ( )  Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

COUNTY ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:  
Recommended  Not Recommended
For Policy Determination  Submitted with Comment
Returned for Further Action

Comment:  

ATTTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California  
By: Deputy  

C.A.O. Initials: 

Action Form Revised 8/95
August 22, 1995

The Honorable Dick Monteith  
California State Senate  
State Capitol, Room 2048  
Sacramento, CA  95814

Dear Senator Monteith and Assemblyman House,

At its meeting this date, the Mariposa County Board of Supervisors took action requesting your consideration of adopting emergency legislation to change the Government Code to be consistent with the Penal Code to allow grand juries with eleven members to file an accusation with eight members concurring instead of the existing twelve jurors as required by the Government Code.

Penal Code Section 888.2 allows counties with a population of 20,000 or less to have eleven grand jurors versus nineteen. Mariposa County adopted the policy of allowing eleven members on the grand jury; and this over-sight in the Government Code, as you can imagine, has created a substantial problem.

We respectfully urge your consideration and support in resolving this matter. Should you have any questions or desire additional information, please do not hesitate to contact our office.

Respectfully submitted,

GARRY R. PARKER  
Chairman

GRP: mw

Enclosures

cc: California State Association of Counties  
Regional Council of Rural Counties