

DEPARTMENT: Board

BY: Supervisor Parker

PHONE: 966-3222

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:

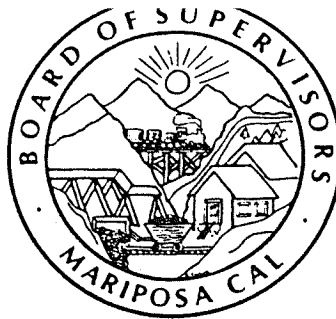
- 1) Approve sending request as recommended.
- 2) Take no action and the existing laws will remain with conflicts.

<p>COSTS: (x) Not Applicable</p> <p>A. Budgeted current FY \$ _____</p> <p>B. Total anticipated costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p>SOURCE: () 4/5ths Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>C. Source description: _____</p> <p>Balance in Reserve for Contingencies, if approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
---	--

<p>CLERK'S USE ONLY:</p> <p>Res. No.: <u>95-388</u> Ord. No. _____</p> <p>Vote - Ayes: _____ Noes: _____</p> <p> Absent: <u>None</u> Abstained: _____</p> <p><u>how</u> Approved _____ () Denied _____</p> <p>() Minute Order Attached () No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on file in this office.</p> <p>Date: _____</p> <p>ATTEST: MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California</p> <p>By: _____ Deputy</p>	<p>COUNTY ADMINISTRATIVE OFFICER'S RECOMMENDATION: This item on agenda as:</p> <p><input checked="" type="checkbox"/> Recommended</p> <p><input type="checkbox"/> Not Recommended</p> <p><input type="checkbox"/> For Policy Determination</p> <p><input type="checkbox"/> Submitted with Comment</p> <p><input type="checkbox"/> Returned for Further Action</p> <p>Comment: _____</p> <p>_____</p> <p>C.A.O. Initials: <u>MW</u></p>
--	---

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....GERTRUDE R. TABER



MIKE COFFIELD
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252

FAX (209) 966-5147

August 22, 1995

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

The Honorable George House
California State Assembly
State Capitol, Room 4017
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

