

HB941 DOUBLE STANDARDS OF JUSTICE

Georgia Constitution:

Article I, Section I, Paragraph II. *Protection to person and property; equal protection.*

Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.

Although the U.S. and Georgia Constitutions demand equal protection for all Georgians, [HB941](#) proposes many double standards for grand juries investigating Georgia law enforcement officials known as “peace officers”. For example:

1. HB941 mandates that 12 jurors must agree to investigate a peace officer instead of the normal 8 jurors required to investigate any county officer and only one juror needed according to case law [Line 22]
2. HB941 limits the power of the grand jury to merely review an incident involving a peace officer with a D.A. although the grand jury normally can conduct a criminal inquiry and indict anyone independently of a D.A. [Line 23]
3. HB941 obstruct a grand jury by requiring them to delay their incident review of a peace officer until a D.A. has a report although no such delay is normally imposed for a grand jury criminal inquiry of anyone else [Lines 25-27]
4. HB941 prohibits a grand jury from reviewing actions of a peace officer while a D.A. prepares a bill of indictment or a special presentment although no such restriction exist during a criminal inquiry of anyone else [Lines 30-34]
5. HB941 requires a grand jury to request a peace officer to participate even though they normally instruct anyone else to participate by issuing subpoena [Lines 38-39]
6. HB941 provides that a grand jury must request a D.A to indict a peace officer although they normally instruct the D.A to indict anyone else [Line 77]
7. HB941 subordinates the current grand jury court reporting power to the D.A. or peace officer in peace officer cases although that normally is a grand jury power in other cases [Line 101-125]
8. HB941 gives power of transcript or evidence redaction to a D.A. in cases involving a peace officer although those documents normally are the custody of the Grand Jury Clerk or Clerk of Superior Court [Line 66-67]
9. HB941 allows a D.A. who can have a vested interest in indicting a victim of a peace officer to impanel a grand jury when a peace officer is investigated although impaneling is normally done in other cases only by a judge or by petition of an elected official [Line 130]
10. HB941 provides a loophole for a peace officer to reduce the statute of limitations on murder to one year if a D.A. fails to assist the grand jury within a year although there is no statute of limitation for murder in all other cases [Line 27-29]