

**Guidance on Grand Jury Proceedings
Under the Chief Justice’s Second Order
Extending Declaration of Statewide Judicial Emergency**

The Chief Justice’s Second Order Extending Declaration of Statewide Judicial Emergency (issued May 11, 2020) generally stays all grand jury proceedings, and it specifically prohibits the summoning and impaneling of new grand juries. The Order provides, however, that an existing grand jury—a grand jury already impaneled for the current term of court or recalled from a previous term of court¹—may assemble when necessary to attend to “time-sensitive essential matters,” so long as the grand jury meets “under circumstances in which social distancing and other public health guidance can be followed.” This provision authorizes a district attorney, upon his or her own initiative or at the request of the foreperson of an existing grand jury, to assemble an existing grand jury if the district attorney: (1) determines that it is necessary for the grand jury to consider a matter that is essential to the administration of justice, the public health and welfare, the continuity of government, or the maintenance of civil order; (2) determines that a delay of such consideration by the grand jury until after the resumption of regular jury proceedings would pose a substantial risk of harm to the public interest; and (3) determines after consultation with the chief judge of the superior court and the sheriff that the grand jury can be assembled safely and in compliance with all applicable public health guidelines issued by the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and the county public health department, including any guidelines for social distancing and the use of personal protective equipment. This provision is intended to be a limited exception to the general stay of all grand jury proceedings, and it is not intended to authorize an assembly of a grand jury to consider routine bills of indictment and other unexceptional matters.

May 11, 2020

¹ For additional guidance on recalling a grand jury from a previous term of court, see *Guidance on the Continued Authority of Grand Juries Impaneled Prior to the Issuance of the Chief Justice’s Order Declaring Statewide Judicial Emergency* (May 4, 2020) (available at https://www.gasupreme.us/wp-content/uploads/2020/05/Guidance-on-Grand-Juries_Final.pdf).