

PRESS RELEASE
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VoterGA Seeks HB941 Constitutionality Decision

ATLANTA GA – VoterGA has sent a [certified letter](#) to the legal counsel for Governor Nathan Deal seeking an opinion as to the constitutionality of House Bill 941 prior to decision by the governor as to whether or not to sign it. The letter was sent on behalf of all Georgians to Executive Counsel Brian Teague. VoterGA founder Garland Favorito made a nearly identical [request](#) for legislative counsel to provide an opinion on HB941 constitutionality during his Senate committee [testimony](#) but Judiciary Non-Civil Chairman Jesse Stone [refused](#).

At issue are the current and [new double standards](#) that HB941 provides Georgia “peace officers” who are being investigated by a grand jury for murder or other serious crimes. The purpose of a grand jury is to determine whether there is **probable cause** to charge a person with a crime, **not to determine guilt or innocence** in a mini-trial. Georgia is the **only state in the union** where officers have a special right of grand jury testimony. This special treatment is not allowed for any other Georgian citizen. The Equal Protection clauses of the Georgia and U.S. Constitutions prohibit such special treatment that creates classes of citizens. [\[GA: Art. I, Sec. I, Para. III\]](#) [\[U.S. 14th Amendment\]](#)

Also at issue is whether or not the Georgia General Assembly has authority to legislate grand jury procedures. Their legislative authority is limited by the Georgia Constitution to the selection and compensation of grand jurors only. HB941 extensively modifies grand jury procedures to add new special treatment in spite of the Georgia Constitution limitations. [\[Art. I, Sec. I, Para. XI\]](#) [\[Art. I, Sec. I, Para. XXVIII\]](#)

[HB941](#) was [introduced](#) after public awareness of a 2015 in depth [study](#) found that at least **171 Georgians have been killed by law enforcement officials, none of whom were prosecuted**. That [investigative series](#) found many of the victims killed had no criminal record, were unarmed, shot in the back or murdered after officers broke into their homes. The study concluded that unfairness in the investigations resulted from [prosecutorial misconduct](#) and [current unequal double standards](#) that shield Georgia “peace officers” during grand jury investigations.

HB941 turns standard prosecutor **assisted** grand jury investigations into special prosecutor **controlled** reviews with new protections for peace officers. Critics contend that “fox in the hen house” scenario moves Georgia further toward a police state and martial law where unaccountable officers can continue excessively violent behavior without worrying about facing a standard criminal investigation.