

POLITICAL PRACTICES COMMISSION

100 K Street
Santo 95814
(415) 322-5660

February 5, 1976



A-76-271

Anton F. Peterson, Foreman
Santa Clara Grand Jury
Superior Court Building
191 North First Street
San Jose, CA 95113

Re: Request for Opinion
No. 76-010

Dear Mr. Peterson:

Thank you for your letter of January 14, 1976, requesting an opinion with respect to whether a grand jury is subject to the provisions of the Political Reform Act. Since your opinion request does not raise a substantial question of interpretation under the Act, no formal opinion will be issued.

The provisions of the Act concerning public officials are applicable to members of state or local government agencies. However, the definition of "local government agency" in Section 82041 of the Act excludes courts or "any agency in the judicial branch of government." Since grand juries are in the judicial branch of government, People v. Superior Court, 13 C. 3d 430, 438 (1975), they are excluded from the definition of local government agencies and their members, therefore, are not public officials.

Thank you for your interest in the requirements of the Political Reform Act. If you have any further questions, please contact Kenneth Finney, Chief of the Commission's Legal Division.

Sincerely,

Daniel H. Lowenstein

Daniel H. Lowenstein
Chairman, for the
Commission

DHL:pvp

County of Santa Clara
California

Date Received

1-21-76

Superior Court Building
191 North First Street
San Jose, California 95113
299-2731 Area Code 408

Program Due

2-4-76

January 14, 1976

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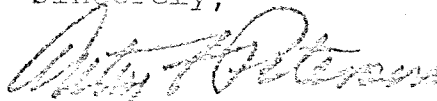
76271

Fair Political Practices Commission
P. O. Box 807
Sacramento, California 95804

Gentlemen:

Under the authority of Section 83114, we would like an opinion on the following question. Does the status or function of a grand jury bring grand jurors within the terms and operations of any provision of the Political Reform Act, in particular those relating to "public officials" as stated in Section 87100 of the Act?

Sincerely,



ANTON F. PETERSON
Foreman

AFP:fg

ANTON F. PETERSON, FOREMAN
BARTON L. COLLINS, PRO TEM FOREMAN
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