



Grand Jury¹

- 33 states allow out of court statements (hearsay) to be summarized before the grand jury.²
 - A few examples include Alabama, Illinois, Iowa, West Virginia, Texas, Mississippi, Maine, Kentucky, Nebraska, Wyoming, and Pennsylvania.
- 18 states *require* an indictment before a felony charge may proceed.³
 - Of those states, 14 have the grand jury indictment requirement in their constitution.⁴⁵
 - 12 of these states allow hearsay to be presented to the grand jury: Alabama, Delaware, Kentucky, Maine, Mississippi, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Texas, and West Virginia.
- States that allow hearsay to be presented at grand jury have different rules on how that evidence can be presented. For example, some states like Tennessee require “some competent witness to testify.” Other states, like Ohio, appear to have no limitation, meaning the attorney could essentially provide a summary to the court/grand jury without any testimony.

¹ For state specific constitutional, statutory, and caselaw citations see 37 A.L.R.3d 612.

² *Id.* While not a state, the federal government also allows hearsay at grand jury.

³ Other states may allow an indictment to be obtained at a grand jury or they may allow some other mechanism for an indictment such as a preliminary hearing.

⁴ Alaska is one of those states, see Article I, sec. 8 of the Alaska Constitution.

⁵ Several state constitutions mention indictments as required but vest in the legislature with the ability to supersede the requirement. Many states have superseded that requirement by allowing charging by information or allowing indictments to be obtained via preliminary hearing.