

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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| Action: | Do Pass as Amended and Be Printed Engrossed |
| Vote: | 5 - 0 - 0 |
| Yeas: | Close, Dingfelder, Kruse, Roblan, Prozanski |
| Nays: | 0 |
| Exc.: | 0 |
| Prepared By: | Anna Braun, Counsel and Andy Narus, Law Clerk |
| Meeting Dates: | 3/18, 4/18 |

WHAT THE MEASURE DOES: Requires disclosure to defendant of material information in possession or control of the district attorney that tends to exculpate the defendant, negate or mitigate defendant’s guilt or punishment or impeach a witness. Clarifies does not expand obligation or right to disclose personnel or internal affairs of law enforcement officers. Prohibits conditioning a plea bargain on waiver of right.

ISSUES DISCUSSED:

- Disclosure of personnel files
- Timing of documenting rumors
- Expected litigation
- Training curriculum
- Phrase “if known to District Attorney”
- Duty to disclose police files

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: In *Brady v. Maryland*, the U.S. Supreme Court recognized that prosecutors must disclose material exculpatory evidence to defendants. That requirement extends to state prosecutors through the Due Process Clause of the 14th Amendment. Though mainly defined by court cases, certain disclosures are required by the Oregon Revised Statutes. In 2005, the disclosure of a witness’ personal information was required by statute. In 2007, the legislature specified disclosure requirements for information pertaining to a test for blood alcohol content. Senate Bill 492 A seeks to codify the *Brady* rule into Oregon statute.