

Maryland Criminal Defense Attorney's Association



MD Senate -Judicial Proceedings Committee

February 19, 2020 1pm

Hearing on SB 0534

Courts - Discovery - In-Custody Witness Testimony

MCDAA POSITION: SUPPORT

Brief bill explanation: If a State's Attorney obtains testimony from an in-custody witness, the State's Attorney must record (1) the substance of the testimony, even if it is not presented in a court proceeding; (2) the purpose for which the testimony was used; and (3) whether the witness received a benefit, and, if so, what the benefit is or will be. This information must be reported to GOCCP and is not subject to disclosure under the Maryland Public Information Act. Within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court, the State's Attorney must disclose to the defendant, or an attorney for a defendant, all material and information that may impeach a State's witness whether or not admissible as evidence, any benefits an in-custody witness has received, or expects to receive, in exchange for providing testimony; including: the substance, time, and place of any statement allegedly made by a suspect or defendant to the in-custody witness or made by an in-custody witness to law enforcement implicating the suspect or defendant; other cases in which the in-custody witness testified, if such information can be ascertained through reasonable inquiry; and whether the in-custody witness received a benefit in exchange for providing the testimony in those cases.

For additional information or questions regarding this legislation, please contact MCDAA legislative chair: Andrew Jezic, 301.742.7470 avjezic@aol.com or our Government Relations Contacts: Alan Drew 240.856.2607 da4617@gmail.com and John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com