



Testimony for the Senate Judicial Proceedings Committee

February 19, 2020

SB 534 – Courts – Discovery – In-Custody Witness Testimony

JUSTIN NALLEY
POLICY ANALYST,
EDUCATION

FAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 534 which would implement safeguards and transparency for the use of jailhouse witnesses. This means prosecutors would be able to access more complete information prior to putting potential jailhouse witnesses on the stand.

Unfortunately, jailhouse witnesses have the incentive to fabricate the truth in their testimony for exchange for a more lenient sentence from the state. In Maryland four innocent people have been wrongfully convicted based on false jailhouse witness testimony.

This bill would create a statewide record for prosecutors to track jailhouse witnesses inside each state's attorney's office. This practice has taken place in Texas, Nebraska, and Connecticut and its time that Maryland followed suit. The bill will also enhance disclosure requirements and codify that prosecutors must disclose other cases in which jailhouse witnesses have provided incentivized testimony.

This bill takes the right step towards balancing the scales of justice and enhancing public safety. For the foregoing reasons, ACLU of Maryland urges a favorable report on SB 534.

