



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and  
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 17, 2021

RE: **SB 590 – Criminal Procedure – Required Disclosures – Brady Material**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 590**. This bill seeks to regulate the discovery process in criminal cases.

This legislative interference in judicial functions will lead to less effective prosecutions and will alter the constitutional balance between the rights of those charged with committing crimes and those who seek to hold them accountable – law enforcement officers and elected States' Attorneys and other prosecutors. The proposed statute even goes as far as to instruct judges on how to respond to the State's failure to comply.

This proposed statute is unnecessary as United States Supreme Court rulings have already defined the proper and necessary scope of the pre-trial disclosure of evidence and the Maryland Court of Appeals has established rules to implement those requirements. SB 590 improperly violates the separation of powers doctrine and therefor MCPA and MSA **OPPOSE SB 589** and urge an **UNFAVORABLE** report.