

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 590  
Criminal Procedure – Required Disclosures – Brady Material  
**DATE:** February 11, 2021  
(2/17)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 590. The offered legislation requires that the State's Attorney disclose to the defense all information known by the government that is favorable to the accused and material to either guilt or punishment, under *Brady v. Maryland*, 737 U.S. 83 (1963). The requirement applies whether or not the known information would be admissible evidence.

The bill is unnecessary and raises strong constitutional concerns. First, necessary constitutional safeguards exist in current law and this bill could result in prosecutors having to disclose less than what is required in the Constitution. In addition, a statute is unnecessary, particularly where that statute will be less favorable to the defendant than an existing Rule.

cc. Hon. Charles Sydnor  
Judicial Council  
Legislative Committee  
Kelley O'Connor