

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

H.145

Senator Ram moves that the Senate propose to the House that the bill be amended by striking out Sec. 8, effective dates, in its entirety and inserting in lieu thereof the following:

Sec. 8. 13 V.S.A. § 6608 is added to read:

§ 6608. DISCLOSURE OF EVIDENCE FAVORABLE TO THE DEFENDANT

(a) Purpose. The purpose of this section is to confirm the disclosure obligations of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny; to promote regularity in disclosure practices; and to ensure timely disclosure of an appropriate scope of exculpatory and impeachment information so as to ensure that defendants are afforded due process and trials are fair.

(b) Disclosure required. As soon as practicable after any defendant enters a plea of not guilty in a criminal case, the prosecutor in charge of the case shall disclose any exculpatory information or material known to any member of the prosecution team with respect to the defendant whether or not the defendant requests such information or material. Such exculpatory material shall include any information that tends to negate the guilt of the defendant as to the offense charged, tends to reduce the sentence if the defendant is convicted of the charged offense, and any material information that either casts a substantial

1 doubt upon the accuracy of any evidence, including witness testimony, that the  
2 prosecutor intends to rely on to prove an element of any crime charged or  
3 might have a significant bearing on the admissibility of prosecution evidence.  
4 If prior to or during the trial of the case the prosecutorial team discovers  
5 additional exculpatory or impeachment information or material, the prosecutor  
6 shall promptly disclose the information or material to the defendant.

7 (c) As used in this section, “prosecution team” means the prosecutor and all  
8 State and local law enforcement officers and other officials who have  
9 participated in the investigation and prosecution of the offense or offenses with  
10 which the defendant is charged.

11 Sec. 9. EFFECTIVE DATES

12 (a) This section and Sec. 7 (repeals) shall take effect on July 1, 2021.

13 (b) The remainder of this act shall take effect on September 1, 2021.