

SENATE BILL REPORT

SB 5589

As of February 3, 2016

Title: An act relating to fairness in disciplinary actions of peace officers who appear on a prosecuting attorney's potential impeachment list.

Brief Description: Encouraging fairness in disciplinary actions of peace officers.

Sponsors: Senators O'Ban, Pedersen, Pearson and Roach.

Brief History:

Committee Activity: Law & Justice: 2/03/16.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: Under a landmark U.S. Supreme Court case, *Brady v. Maryland*, 373 U.S. 83 (1963), prosecutors have a duty to disclose potentially exculpatory evidence to defense counsel prior to trial. This disclosure is often referred to as a "Brady disclosure" and can include witness statements, evidence that conflicts with the prosecution's witnesses, or evidence that could allow the defense to impeach the credibility of a prosecution witness. Because of the Brady ruling, prosecutors are required to notify defendants and their attorneys whenever a law enforcement official involved in their case has known credibility issues when acting in an official capacity. Although information in a "Brady disclosure" may pertain to law enforcement officers, often the information has not been substantiated or proven to any degree.

Summary of Bill: A law enforcement agency may not take punitive action against a peace officer solely because the officer's name was placed on a potential impeachment list in a "Brady disclosure." The law enforcement agency may take punitive or personnel action based on the underlying acts or omissions causing the officer's name to be placed on a "Brady disclosure" list. No disciplinary action may be taken against a peace officer by a law enforcement agency solely because that officer's name has been placed on a list maintained by the prosecutor's office of recurring witnesses having known potential impeachment information or subject to being placed on a "Brady disclosure" list. Nothing prohibits the agency from taking personnel action based on the underlying acts which caused the officer to be placed on the recurring witness "Brady disclosure" list so long as the agency complies with the rules and procedures adopted by an applicable collective bargaining agreement.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None

Fiscal Note: Not requested

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after the adjournment of the session in which the bill is passed.