



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2496 (Formerly HSB 701)	House Committee:	PASSED on February 16 (20-0)
Committee:	Public Safety	House Floor:	
Floor Manager:	Rep. Holt	Senate Floor:	
Date:	March 14, 2022	Governor:	
Staff:	Amanda Wille (1-5230)		

Brady Giglio

- HF 2496 addresses the placement of a peace officer on Brady-Giglio lists.
- Brady-Giglio lists are the result of multiple federal supreme court rulings that require prosecutors to disclose exculpatory evidence to the defense.
- The bill does not prevent prosecutors from disclosing information, but does allow an officer a chance to appeal their placement on a Brady-Giglio list and to challenge the exculpatory evidence.

Section by Section Analysis

Section 1 – Rights of Peace Officers and Public Safety and Emergency Personnel- Peace Officer, Public Safety and Emergency Personnel Bill of Rights (80F.1)

Definitions

Brady-Giglio List- list compiled by prosecutors including names and details of officers who have incidents of untruthfulness, criminal convictions, candor issues, or other issue where the officer's credibility may be called in to question.

Clarifies what a prosecuting agency is for this code section.

Section 2 – Rights of Peace Officers and Public Safety and Emergency Personnel- Peace Officer, Public Safety and Emergency Personnel Bill of Rights (80F.1)

Conforming language

Section 3- Rights of Peace Officers and Public Safety and Emergency Personnel- Peace Officer, Public Safety and Emergency Personnel Bill of Rights (80F.1)

Under current law a peace officer cannot be fired for simply being on a Brady-Giglio list. This code section was going to sunset July 1, 2022. The sunset is struck from the code.

Section 4- Rights of Peace Officers and Public Safety and Emergency Personnel- Peace Officer, Public Safety and Emergency Personnel Bill of Rights (80F.1)

If a prosecuting agency has a Brady-Giglio list they must adopt a policy that includes the following:

Criteria for placing an officer on the list

Officer's right to receive written notice 10 days before being placed on the list and the right of the officer to provide input before being placed on the list.

Officers right to appeal having their name on the list and the ability to provide supporting documents.

Timeframe and procedure for the prosecuting agencies to review the information and provide a final decision.

Right of the officer to receive notice 10 days before exculpatory evidence is disclosed and the right of the officer to request an in-camera review with a judge.

Process is set out for notice of an officer and appeals.

This subsection is repealed July 1, 2023

Amendment Analysis