
DIGEST

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HB 484 Original

2022 Regular Session

Jordan

Abstract: Requires district attorneys to turn over statements, confessions, witness lists, and all other evidence constitutionally required to be disclosed pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) to defendants.

Present law provides that upon written motion of the defendant, the court shall order the district attorney to disclose the following to the defendant:

- (1) Any relevant written or recorded confession or statement of any nature, including recorded testimony before a grand jury, or copy thereof, of the defendant in the possession, custody, control, or knowledge of the district attorney.
- (2) The existence, but not the contents, of any oral confession or statement of any nature made by the defendant or any codefendant which the district attorney intends to offer in its case in chief at the trial, with the information as to when, where, and to whom such oral confession or statement was made.
- (3) The substance of any oral statement made by the defendant or any codefendant which the state intends to offer in its case in chief at the trial, whether before or after arrest, in response to interrogation by any person then known to the defendant or the codefendant to be a law enforcement officer.
- (4) Written or recorded statements of any witness the state intends to call in its case in chief at the trial.

Present law defines "written or recorded statement of a witness" and "trial".

Present law provides that testimony before a grand jury does not need to be recorded.

Proposed law amends present law to require district attorneys to disclose to the defendant all of the following:

- (1) Any relevant written or recorded confession or statement of any nature, including recorded testimony before a grand jury, or copy thereof, of the defendant in the possession, custody, control, or knowledge of the district attorney.
- (2) The existence, but not the contents, of any oral confession or statement of any nature made

by the defendant or any codefendant which the district attorney intends to offer in its case in chief at the trial, with the information as to when, where, and to whom such oral confession or statement was made.

- (3) The substance of any oral statement made by the defendant or any codefendant which the state intends to offer in its case in chief at the trial, whether before or after arrest, in response to interrogation by any person then known to the defendant or the codefendant to be a law enforcement officer.
- (4) Written or recorded statements of any witness the state intends to call in its case in chief at the trial.

Present law provides that the state is not obligated to provide to any defendant a witness list for any trial or pretrial matter.

Proposed law amends present law to require district attorneys to disclose to the defendant any evidence constitutionally required to be disclosed pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny as well as a list of the witnesses the district attorney intends to call in its case in chief.

(Amends C.Cr.P. Art. 716)