

Assembly Bill No. 885

Passed the Assembly August 29, 2014

Chief Clerk of the Assembly

Passed the Senate August 28, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1127j to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 885, Ammiano. Discovery: prosecutorial duty to disclose information.

Existing law requires the prosecuting attorney to disclose to the defendant or his or her attorney certain materials and information, including statements of all defendants and any exculpatory evidence, as specified.

This bill would authorize a court in any criminal trial or proceeding in which the court has determined that the prosecuting attorney has intentionally or knowingly failed to disclose certain materials and information, as specified, to instruct the jury that the failure to disclose has occurred and that the jury shall consider the failure to disclose in determining whether reasonable doubt of the defendant's guilt exists.

The people of the State of California do enact as follows:

SECTION 1. Section 1127j is added to the Penal Code, to read:

1127j. (a) In any criminal trial or proceeding in which the court determines that the prosecuting attorney has intentionally or knowingly failed to disclose specified materials and information required under current law, including Section 1054.1, except subdivision (a) of that section, and *Brady v. Maryland* (1963) 373 U.S. 83, the court may instruct the jury that the intentional or knowing failure to disclose the materials and information occurred and that the jury shall consider the intentional or knowing failure to disclose in determining whether reasonable doubt of the defendant's guilt exists.

(b) Nothing in this section shall be construed to limit any other remedy available under law.

Approved _____, 2014

Governor