



To: Members of the Senate Judiciary and Public Safety Committee

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RE: Brady-Giglio Lists

Major Differences between SF Nos. 1813 (Westlin) and 599 (Seeberger)

SF No. 1813:

- authorizes both impacted law enforcement agencies and peace officers to petition the district court for a determination on whether the inclusion of the officer on a Brady-Giglio list is consistent with Brady-Giglio disclosure requirements;
- provides that the criteria used by a prosecutor to place an officer on a list may not include conduct that is not substantiated following an investigation or individual instances of conduct determined by the chief law enforcement officer (CLEO) following an investigation to be unintentional (such as mistake, inadvertence, or neglect);
- provides that the peace officer and the officer's employing agency have the right to receive written notice when the officer's credibility has been discussed in a judicial order; and
- requires that a prosecuting agency meet at least annually with CLEOs within their jurisdiction to review the agency's Brady-Giglio policy and evaluate the disclosure process within the jurisdiction.

S.F. No. 599 does not have these provisions.

S.F. No. 599:

- prohibits a peace officer from being discharged or disciplined solely due to a prosecuting agency's determination or disclosure that exculpatory evidence exists concerning the officer while providing that the law enforcement agency is not prohibited from investigating the underlying actions that resulted in the exculpatory evidence being withheld; and
- requires that a peace officer's employing agency provide to the officer, upon the officer's request, a copy of the officer's personnel file and training materials.

S.F. No. 1813 does not have these provisions.

