



HOUSE BILL 548: Duty to Report Giglio Information.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 4, 2021
Introduced by:	Reps. Szoka, K. Baker, Hunter	Prepared by:	Susan Sitze
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 548 would require law enforcement officers and justice officers to notify the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission (the Commissions), as appropriate, when the officer is informed that because of the officer's bias, interest, or lack of credibility, the officer may not be called to testify at trial as a law enforcement or justice officer.*

CURRENT LAW:

Under *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) any material information that might impact the credibility of a witness, including a law enforcement officer's prior dishonesty or misconduct, must be disclosed to a criminal defendant.

BILL ANALYSIS:

House Bill 548 would add new provisions to the statutes governing certification of criminal justice officers and justice officers by the Commissions to require mandatory reports any time a certified officer receives written notification from a judge or prosecuting attorney that the officer may not be called to testify at trial based on bias, interest, or lack of credibility.

The reports must be made in writing, with a copy of the notification, and are not public record. Reports are required in the following instances:

- By the officer to the Standards Division (Division) of their certifying Commission.
- By the officer to the head of their employing agency.
- By the head of the employing agency to the Division.
- By a judge or prosecuting attorney that issues a notification to the Division.
- By the Division, if the officer's certification is transferred to a new employing agency, to the head of the new employing agency and the district attorney of the prosecutorial district where the agency is located, unless the notification has been subsequently rescinded.

If an officer subsequently receives written notification that the previous notification has been rescinded, the officer shall report that to the Division.

No later than March 1 of each year, the Division of each Commission shall report to the Joint Legislative Oversight Committee on Justice and Public Safety on the number of individuals for whom the Division received a report during the previous calendar year, and include information on any action that has been taken against each certification. This report shall not include any name or other identifying information of the officers required to report.

Jeffrey Hudson
Director



Legislative Analysis
Division
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EFFECTIVE DATE: This act would become effective October 1, 2021, and apply to notifications received prior to, on, or after that date by persons required to report pursuant to this act.