



April 1, 2014

The Honorable Norman H. Conway
Chair, Appropriations Committee
Maryland House of Delegates
Room 121, House Office Building
Annapolis, MD 21401


Dear Chairman Conway,

The Maryland Association of Counties (MACo) testified in opposition to SB 686 as introduced and as it was initially heard before the Senate Judicial Proceedings Committee. MACo found the original bill overly broad and undermining of important disclosure requirements falling under the landmark 1963 U.S. Supreme Court Case, *Brady v. Maryland*, in which it was held that a prosecutor withholding certain exculpatory evidence from a defendant's lawyer was a violation of a defendant's right to due process under the Fourteenth Amendment of the U.S. Constitution.

Through an agreement reached by the Chiefs and Sheriffs with the Fraternal Order of Police, SB 686 as amended by the Senate now is much more targeted. The amended bill specifies that a law enforcement agency may maintain for the purpose of satisfying the disclosures that are required by law, a list of law enforcement officers who have been found or alleged to have committed acts which bear on credibility, integrity, or other characteristics that can be used to impeach the officer. The agency that maintains the list must notify each officer whose name has been placed on the list and may not take punitive action against the officer solely for being placed on the list.

MACo supports the agreement reached and the corresponding Senate amendments, and hereby **withdraws its opposition** to the bill following the Senate amendments.

Sincerely,


Natasha Mehu
Policy Analyst, MACo

CC: The Honorable Bobby A. Zirkin, Maryland State Senate