



Connecticut General Assembly  
SENATE DEMOCRATS

Legislative Office Building, Room 3300  
Hartford, Connecticut 06106-1591

**Senate Bill No. 653 – An Act Concerning Open File Disclosure in Criminal Cases**

Despite best efforts, the criminal justice system denies people justice every day. This bill strives to fix issues causing unfair treatment for defendants. The bill starts with the premise that before trial begins, the job of a prosecutor is to search for the truth, even if the evidence negates guilt, mitigates the offenses charged, impeaches the government's witnesses, or would reduce the punishment for the defendant. This is because the state should have the burden when it wants to fine, imprison, or punish a person.

Nationally, over 95% of criminal cases end with a plea bargain, which means the process before trial is all that matters. Proper disclosure of documents to the defendant is critical to maintain fairness. Sharing of video surveillance, body cameras, witness testimony, and lab analysis must not only be disclosed, but must be timely so that defense counsel has time to review. Although current rules require disclosure of certain documents within 45 days of a request, the practice of sharing other documents varies across thirteen judicial districts. This bill hopes to address that by adopting new standards for discovery.

Specifically, the bill will expand, beyond what the Practice Book requires, the types of documents that a prosecutor must provide within 45 days of a request. Second, within 35 days before trial, the prosecutor must disclose additional documents, such as expert witness statements, scientific tests, recordings of witness, and copies of mental examinations of defendant. Third, both the state and defendant must disclose witness lists within 10 days if requested by the other party at least 30 days before trial. Fourth, the prosecutor must maintain a list of all disclosed materials. Under today's rules, courts have discretion to extend deadlines and make exemptions for what must be disclosed. Those same rules will apply to the requirements in this bill.

We would like to thank the Committee for raising this bill, which we believe will help fulfil each defendant's constitutional rights to due process, a fair trial and right to counsel.

*Martin M. Looney*

President Pro Tempore  
Martin M. Looney  
State Senator 11<sup>th</sup> District

*Will Haskell*

Will Haskell  
State Senator 26<sup>th</sup> District

*Julie Kushner*

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Julie Kushner  
State Senator 24<sup>th</sup> District

*Marilyn Moore*

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Marilyn Moore  
State Senator 22<sup>nd</sup> District