

HCS HB 712 -- DISCOVERY IN MUNICIPAL COURTS

SPONSOR: Ellebracht

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 10 to 0. Vote "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 10 to 2.

The following is a summary of the House Committee Substitute for HB 712.

This bill specifies that in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of 15 days or more in jail or confinement, a defendant must not be charged any fee for obtaining a police report or probable cause statement. Such police report or probable cause statement must be provided by the prosecutor upon written request for discovery by the defendant.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that, often, in municipal court, the burden of discovery is shifted to the defendant or defendant's counsel, and defendant is required to produce evidence against him or her, and that is unconstitutional. Defendants should also not have to pay to purchase police reports so they can adequately defend themselves.

Testifying for the bill were Representative Ellebracht; Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.