

Subject Use of jailhouse witnesses in criminal prosecutions

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Overview

Under Minnesota's Rules of Criminal Procedure and the U.S. Supreme Court's decision in *Brady v. Maryland*, prosecutors have a duty to disclose certain information to defendants and defense attorneys. Defendants also have a constitutional right to confront witnesses who testify against them and the court's Rules of Evidence permits a defendant to challenge the credibility of a witness's testimony by offering evidence about that person's interest in the outcome of a case. No current rules or statutes specifically address the use of jailhouse informants.

Jailhouse informants are typically individuals who were not involved in a crime, but testify about what another defendant said to them while the two were incarcerated together. Testimony by jailhouse informants was involved in approximately 17 percent of convictions which were later overturned when DNA evidence exonerated a person.

This bill requires prosecutorial offices to collect data on their use of jailhouse informants, directs the attorney general to maintain that data and report summary data describing the use of those witnesses, requires prosecutors to disclose specific information to defendants and their counsel, and requires prosecutors to notify victims if a defendant is offered a plea agreement in exchange for agreeing to testify against another person.

Summary

Section	Description
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| 1 | Attorney general data coded elsewhere.
Makes a conforming reference in chapter 13 to data collected and maintained by the attorney general regarding jailhouse witnesses. |
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Section	Description
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2	Jailhouse witnesses.
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Subd. 1. Definitions. Defines the terms “benefit” and “jailhouse witness.”

Subd. 2. Use of and benefits provided to jailhouse witnesses; data collection. Requires county attorneys to collect and report data to the attorney general regarding the use of jailhouse witnesses and the nature of any cooperation agreements. Provides that data collected and maintained by the attorney general is confidential data on individuals.

Subd. 3. Report on jailhouse witnesses. Directs the attorney general to report summary data identifying the total number of jailhouse witnesses reported to the attorney general, including the number of witnesses reported by each county.

Subd. 4. Disclosure of information regarding jailhouse witnesses. Requires prosecutors, in addition to the disclosures required by court rule, to disclose specific information about any jailhouse witness including any cooperation agreements; the nature of any statements, including recantations, made by the jailhouse witness; and whether the jailhouse witness has testified or offered to testify in other cases. Requires the prosecutor to update the disclosures based on new information. Consistent with current court rule, permits the prosecutor to file a written certificate to limit disclosures if the disclosure would subject the witness or others to physical harm or coercion.

Subd. 5. Victim notification. Requires prosecutors to notify any victim of a crime if a defendant receives a reduction or dismissal of charges, plea bargain, change in bail, or change in sentence in exchange for the defendant’s agreement to testify in another case. Requires the notification to include information about orders for protection and harassment restraining orders if the victim was the victim of domestic assault, criminal sexual conduct, or harassment or stalking.



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