

SUMMARY OF MINNESOTA JAILHOUSE WITNESS LEGISLATION

Section 1 ATTORNEY GENERAL DATA

This section will be added to the Attorney General Section of data practices law to categorize jailhouse witness data according to the proposed jailhouse witness statute below.

Section 2, Subd 1. DEFINITIONS

Benefit: Any benefit that is offered and/or provided to a jailhouse witness in exchange for their testimony.

Jailhouse Witness: A person who claims to have obtained information (usually a confession) from a defendant while they are incarcerated together and seeks to use that information to get a better deal for themselves. This definition does not include co-defendants or confidential reliable witnesses.

Subd 2. TRACKING JAILHOUSE WITNESSES

In order to allow for full disclosure of benefits provided to jailhouse witnesses and also to track jailhouse witnesses who testify in multiple cases, prosecutor's offices must track their use of witnesses and report it to the Attorney General's Office. The Attorney General's Office shall maintain that information, but it will only be accessible to prosecutors and will be private data not subject Data Practices requests.

Subd 3. PUBLICATION

The Attorney General's office must publish annual data on the use of jailhouse witnesses without identifying information.

Subd 4. DISCOVERY

Timing: This section requires enhanced disclosure whenever the prosecution seeks to use a jailhouse witness. Those disclosures will follow the same timing requirements as other disclosures required by the prosecutor. An exception is made for the court to accept late disclosure if the jailhouse witness was not known to the prosecutor at the time of initial disclosure. This section also permits appropriate modifications to disclosure if there is a danger of bodily harm to the jailhouse witness.

Information to be Disclosed:

- Complete criminal history of jailhouse witness including pending cases and any deals made in those cases.
- Any deal made by the prosecutor with the jailhouse witness in exchange for their testimony.
- Details of any recantation made by the jailhouse witness.
- Details of any other statements the jailhouse witness made implicated any other person.
- Information regarding any other criminal cases in which the jailhouse witness testified as a jailhouse witness including the benefits received in those cases.

Subd 5. VICTIM NOTIFICATION

If there is a victim in any case where the prosecution is making a deal with a jailhouse witness, that victim should be advised of the deal prior to release of the jailhouse witness and in some cases advised how to obtain a restraining or protective order.