

116TH CONGRESS
2^D SESSION

S. 1380

AN ACT

To amend the Federal Rules of Criminal Procedure to remind prosecutors of their obligations under Supreme Court case law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Due Process Protec-
3 tions Act”.

4 **SEC. 2. REMINDER OF PROSECUTORIAL OBLIGATIONS.**

5 Rule 5 of the Federal Rules of Criminal Procedure
6 is amended—

7 (1) by redesignating subsection (f) as sub-
8 section (g); and

9 (2) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) REMINDER OF PROSECUTORIAL OBLIGATION.—

12 “(1) IN GENERAL.—In all criminal proceedings,
13 on the first scheduled court date when both pros-
14 ecutor and defense counsel are present, the judge
15 shall issue an oral and written order to prosecution
16 and defense counsel that confirms the disclosure ob-
17 ligation of the prosecutor under *Brady v. Maryland*,
18 373 U.S. 83 (1963) and its progeny, and the pos-
19 sible consequences of violating such order under ap-
20 plicable law.

21 “(2) FORMATION OF ORDER.—Each judicial
22 council in which a district court is located shall pro-
23 mulgate a model order for the purpose of paragraph

1 (1) that the court may use as it determines is appro-
2 priate.”.

Passed the Senate May 20, 2020.

Attest:

Secretary.

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