

116TH CONGRESS  
1ST SESSION

# S. 1380

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

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IN THE SENATE OF THE UNITED STATES

MAY 8, 2019

Mr. SULLIVAN (for himself and Mr. DURBIN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Due Process Protec-  
5       tions Act”.

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

7       Rule 5 of the Federal Rules of Criminal Procedure  
8       is amended—

9               (1) by redesignating subsection (f) as sub-  
10       section (g); and

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

3       “(f) REMINDER OF PROSECUTORIAL OBLIGATION.—

4           “(1) IN GENERAL.—In all criminal proceedings,  
5       on the first scheduled court date when both pros-  
6       ecutor and defense counsel are present, the judge  
7       shall issue an oral and written order to prosecution  
8       and defense counsel that confirms the disclosure ob-  
9       ligation of the prosecutor under Brady v. Maryland,  
10      373 U.S. 83 (1963) and its progeny, and the pos-  
11      sible consequences of violating such order under ap-  
12      plicable law.

13           “(2) FORMATION OF ORDER.—Each judicial  
14      council in which a district court is located shall pro-  
15      mulgate a model order for the purpose of paragraph  
16      (1) that the court may use as it determines is appro-  
17      priate.”.

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