

S 2197

Fairness in Disclosure of Evidence Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Mar 15, 2012

Current Status: Committee on the Judiciary. Hearings held.

Latest Action: Committee on the Judiciary. Hearings held. (Jun 6, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/2197>

Sponsor

Name: Sen. Murkowski, Lisa [R-AK]

Party: Republican • **State:** AK • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Akaka, Daniel K. [D-HI]	D · HI		Mar 15, 2012
Sen. Begich, Mark [D-AK]	D · AK		Mar 15, 2012
Sen. Hutchison, Kay Bailey [R-TX]	R · TX		Mar 15, 2012
Sen. Inouye, Daniel K. [D-HI]	D · HI		Mar 15, 2012
Sen. Enzi, Michael B. [R-WY]	R · WY		Mar 28, 2012

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Hearings By (full committee)	Jun 6, 2012

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Fairness in Disclosure of Evidence Act of 2012 - Amends the federal criminal code to require the attorney for the government, in a criminal prosecution, to provide to the defendant any information or evidence that may reasonably appear to be favorable to the defendant regarding the determination of guilt, any preliminary matter before the court, or the sentence to be imposed (covered information): (1) that is within the possession, custody, or control of the prosecution team; or (2) the existence of which is known, or through due diligence would become known, to that attorney.

Directs the government attorney to provide to the defendant any covered information: (1) without delay after arraignment and before the entry of any guilty plea; and (2) as soon as is reasonably practicable upon its becoming known, without regard to whether the defendant has entered or agreed to enter a guilty plea.

Authorizes the court, upon motion of the United States which the court may permit to be filed under seal to protect a witness's identity, to issue an order to protect against immediate disclosure if: (1) the covered information is favorable to the defendant solely because it would provide a basis to impeach the credibility of a potential witness, and (2) the United States establishes a reasonable basis to believe that the identity of the potential witness is not already known to any defendant and disclosure would present a threat to anyone's safety.

Permits the court, under specified circumstances, to accept a waiver of this Act by a defendant. Prohibits a defendant from waiving a provision of this Act except in open court.

Requires the court to order an appropriate remedy upon determining that the United States has violated the requirement to disclose or to disclose in a timely manner and provides for payment of the defendant's costs.

Actions Timeline

- **Jun 6, 2012:** Committee on the Judiciary. Hearings held.
- **Mar 15, 2012:** Introduced in Senate
- **Mar 15, 2012:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S1736-1737)