

SENATE BILL REPORT

SB 6105

AS OF JANUARY 27, 1992

Brief Description: Permitting defendants to receive copies of discovery materials.

SPONSORS: Senators Nelson, Rasmussen and Thorsness

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Susan Carlson (786-7418)

Hearing Dates: January 28, 1992

BACKGROUND:

Current superior and district court rules provide that discovery materials furnished to a defense attorney in a criminal case must remain in the exclusive custody of the attorney. As a result, defendants can only review these materials in the presence of their attorney and cannot be given their own copy to review later. A defendant who does not have an attorney, however, is entitled to receive a copy of the discovery materials.

In 1991, the court rule amendments recommended by the Washington State Bar Association included an amendment which would have allowed defendants to receive a copy of the discovery materials. These amendments were not adopted by the Washington Supreme Court. It has been suggested that defendants should be entitled to a copy of the discovery materials relating to their case.

SUMMARY:

Upon filing of a criminal complaint, the defendant is entitled to a copy of any discovery materials that the court rules require to be disclosed to defendants. The court's authority to issue protective orders to restrict or defer access is not restricted.

Appropriation: none

Revenue: none

Fiscal Note: none requested