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Public Law 116–182
116th Congress

An Act

Oct. 21, 2020
[S. 1380]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Due Process Protections Act.
18 USC app. 61 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Due Process Protections Act".

SEC. 2. REMINDER OF PROSECUTORIAL OBLIGATIONS.

18 USC app. 5.

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

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) REMINDER OF PROSECUTORIAL OBLIGATION.—

"(1) IN GENERAL.—In all criminal proceedings, on the first scheduled court date when both prosecutor and defense counsel are present, the judge shall issue an oral and written order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutor under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and the possible consequences of violating such order under applicable law.

"(2) FORMATION OF ORDER.—Each judicial council in which a district court is located shall promulgate a model order for the purpose of paragraph (1) that the court may use as it determines is appropriate.".

Approved October 21, 2020.

LEGISLATIVE HISTORY—S. 1380:

CONGRESSIONAL RECORD, Vol. 166 (2020):
May 20, considered and passed Senate.
Sept. 21, considered and passed House.