

Subject Brady-Giglio Designations

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## Overview

This bill seeks to regulate the process by which prosecuting agencies place and remove peace officers from Brady-Giglio lists. Prosecutors designate peace officers as Brady-Giglio impaired when there is evidence that the officer has acted untruthfully, unlawfully, or otherwise is not candid. If a prosecutor is going to rely on an officer with a Brady-Giglio designation to prosecute a case, the prosecutor must disclose to the accused the evidence that warranted the Brady-Giglio designation. Failure to disclose Brady-Giglio evidence can result in a court excluding key prosecutorial evidence, mistrials, and the prosecutor being disciplined.

## Summary

Section	Description
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1	<b>Brady-Giglio.</b>
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**Subd. 1. Definitions.** Defines the term “Brady-Giglio material,” “criminal action,” “not public data or information,” “peace officer,” “personnel data,” “private data or information,” and “prosecuting authority” for purposes of this section.

**Subd. 2. Contents of prosecuting authority policy.**

**Para. (a).** Requires all prosecuting authorities to implement a written policy to guide Brady-Giglio determinations.

Requires prosecutors to provide a peace officer and the officer’s employer notice when the officer’s credibility is addressed in a judicial order.

**Para. (b).** Requires all policies adopted under this subdivision to:

- specify the methodology used by the agency to designate information as Brady-Giglio material;
- designate a primary attorney to oversee the Brady-Giglio process;

**Section** **Description**

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- establish procedures for law enforcement to notify the prosecuting authority of potential Brady-Giglio material;
- establish procedures for notifying officers and their employers of the prosecuting authority's Brady-Giglio related actions and decisions;
- establish procedures for protecting personnel data retained for Brady-Giglio purposes; and
- establish procedures for educating law enforcement agencies about the prosecuting authority's policy.

**Subd. 3. Prohibition on do not call.** Requires that Brady-Giglio decisions be made on a case-by-case basis. Prohibits creation of a standing do not call or do not use list.

**Subd. 4. Restrictions on data.** This subdivision:

- declares that Brady-Giglio material retains its original data classification;
- prohibits prosecutors from disclosing data submitted by law enforcement for purposes other than Brady-Giglio matters;
- requires courts to safeguard Brady-Giglio material from disclosure beyond those who need to know and authorizes courts to issue protective orders on data disclosed to defendants; and
- establishes a misdemeanor offense for unauthorized disclosure of Brady-Giglio material.

**Subd. 5. Judicial notice to public employer and prosecuting authority.** Requires courts to report a finding of untruthful testimony from a peace officer to the peace officer's employer, the prosecutor, the peace officer, and relevant parties.

**Subd. 6. Compliance with other laws.** Establishes that the requirements of this section are not intended to interfere with legal, ethical, and constitutional obligations of prosecutors and judges.



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