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House Judiciary Committee**June 21, 2023****House Bills 4738 and 4739: Oppose**

The American Civil Liberties Union of Michigan opposes HB 4738 and HB 4739.

These bills would impose unnecessary restrictions on defense attorneys' access to critical case information and place an extra burden on both prosecutors and defense attorneys. The Sixth Amendment guarantees people accused of committing a crime the right to effective assistance of counsel. Smaller prosecutor offices may not have the bandwidth to redact information on every document, and in withholding access to witness information, cause defense attorneys to spend time and money searching for witnesses that the prosecution had in discovery. This limits the defense attorney's ability to provide adequate counsel.

Many courts currently provide defense attorneys with unredacted police reports, which include sensitive witness information. The attorney will then redact the report prior to providing it to their client. Under the existing rule, MCR 6.201, defense attorneys are able to access witness information and properly prepare a defense, while still allowing a prosecutor to seek protection for their client when needed.

To protect the Sixth Amendment right to effective assistance of counsel and prevent encumbering both prosecutors and defense attorneys, the ACLU of Michigan encourages you to vote "No" on these bills.

Thank you,

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