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Chair Smith, Vice-Chair Waldstreicher, Members of the Committee
Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

Senate Bill 468 - Criminal Procedure - Appeals - Unlawful Possession of a Firearm

POSITION: Support with Amendments

Dear Chair Smith, Vice-Chair Waldstreicher, Members of the Judicial Proceedings Committee:

The Administration supports Senate Bill 468 - Criminal Procedure - Appeals - Unlawful Possession of a Firearm, legislation that provides prosecutors with the ability to appeal a court's decision not to include evidence during a trial for certain firearm offenses. We'd like to thank the sponsor for his sponsorship of the legislation.

Current law allows the State to appeal from a decision of a trial court that excludes evidence offered by the State in violent crime and drug felony cases. Senate Bill 468 proposes to expand this ability to cases under Public Safety Article §§ 5-133 (illegal possession of a regulated firearm), 5-205 (possession of a rifle or shotgun by a prohibited person), and 5-206 (possession of a rifle or shotgun by a person with a previous conviction of a crime of violence or drug felony).

The ability of the State to appeal decisions of the court to exclude evidence during trials for firearms offenses is a critical policy toward ensuring we can get a handle on gun violence. The Administration respectfully asks the Committee to consider amending the legislation to include additional firearm offenses as outlined in Senate Bill 273, to include the use of a firearm during drug trafficking; illegal transfer of a firearm to a prohibited person; knowing and willful straw purchase of a firearm; possession of a stolen firearm; transporting a firearm for the purpose of unlawfully selling or trafficking a regulated firearm; and obliterating a serial number.

For these reasons, the Administration asks for your favorable with amendments report on Senate Bill 468. For additional details, please contact Cara Sullivan, Deputy Legislative Officer, at 410-974-3336 or cara.sullivan@maryland.gov.