

WANIKA B. FISHER, ESQ.
Legislative District 47B
Prince George's County

Judiciary Committee



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 04, 2020

Honorable Chairman, Luke Clippinger

Vice Chair, Vanessa E. Atterbeary

Members of the Judiciary Committee

Re: HB 1085 - Criminal Procedure - Appeals - Unlawful Possession of a Firearm

It's a pleasure to introduce HB 1085; the purpose of this bill is to authorize the State to appeal from a certain decision in certain criminal cases involving the unlawful possession of a firearm; and generally relating to the right of appeal in criminal cases.

Currently, the State is limited in its appellate options to cases involving a crime of violence (as defined in Criminal Law Article, § 14-101) or controlled dangerous substances offenses specifically outlined in Criminal Law Article §§ 5-602 through 5-609 and §§ 5-612 through 5-614 where there is a ruling that the evidence presented by the State is in violation of the United States Constitution, the Maryland Constitution, or the Maryland Declaration of Rights.

HB 1085 would expand this universe of cases to include matters charged under certain sections of the Public Safety Article, specifically:

§ 5-133 (unlawful possession of a regulated firearm)

§5-205 (unlawful possession of a rifle or shotgun), and

§ 5-206 (unlawful possession of a rifle or shotgun by a person with certain specified prior convictions)

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The State is often faced with situations in which a motion to suppress evidence gathered through a search or a pat down has been incorrectly granted with no recourse to challenge a judge's decision. This results in persons who are prohibited from possession a firearm not being held accountable because of a potential erroneous ruling. With this legislation, the State will have the same ability as the defendant to ask an appellate court to rectify the trial court. This bill is a much needed tool that can enable State's Attorneys to follow through on illegal firearm cases and enforce gun laws passed by this legislature.

For these reasons, I ask this Committee for a **favorable** report on HB 1085.

Sincerely,

A handwritten signature in cursive script that reads "Wanika Fisher".

Wanika B. Fisher
Maryland State Delegate – District 47B