



State of Maryland
Office of the Attorney General

February 11, 2020

TO: The Honorable William C. Smith, Jr., Chair, Judicial Proceedings
Committee

FROM: Carrie J. Williams, Assistant Attorney General

RE: Attorney General's Support for SB 468

The Attorney General urges the Judicial Proceedings Committee to report favorably on Senate Bill 468. Senate Bill 468 adds the crimes of possession of a firearm, rifle, or shotgun by a disqualified person to the list of offenses from which the State can take an interlocutory appeal if the trial court suppresses evidence based on an alleged violation of the state or federal constitution.

Currently, the State can appeal the suppression of evidence based on an alleged constitutional violation only in cases where the defendant is charged with certain drug offenses or a crime of violence. If a defendant is charged with unlawfully possessing a firearm, but is not also charged with a crime of violence or felony drug charge, the State cannot appeal the suppression of evidence in that case, even if the suppression court's ruling was patently incorrect and the result of the ruling is that the State cannot proceed with the charges.

Adding these charges to the list of crimes from which the State can take an interlocutory appeal will help the State successfully prosecute gun crimes while still protecting the rights of criminal defendants. Courts and Judicial Proceedings Section 12-302(c)(4) requires the State to note the interlocutory appeal no later than 15 days after the ruling, and requires the appellate court to issue a decision in the case within 120 days from the date the record is received in the appellate court. Md. Code Ann., Cts. & Jud. Proc. § 12-302(c)(4). If the State loses the appeal, it must dismiss the charges against the defendant in all cases except homicides. Finally, except in crimes of violence, the defendant must be released on his or her personal recognizance while the appeal is pending.

Courts and Judicial Proceedings Section 12-302(c)(4) balances public safety with the right of criminal defendants to have their case heard without undue delay. The Attorney General urges the Committee to report favorably on SB 468.

cc: Members of the Committee