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Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
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Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 468 – Criminal Procedure – Appeals – Unlawful Possession of a Firearm

Dear Chairman Smith and Members of the Committee:

I am pleased to introduce Senate Bill 468 which will allow the State to appeal the decisions of a criminal trial court in gun cases where evidence has been excluded, or where a decision has been made to return property to the defendant.

Currently in Maryland, the State may only appeal the decision of a trial court in a criminal case for very limited circumstances, not including any gun cases. There are many gun cases in which a motion to suppress evidence gathered through a car search or a pat down has been granted because of statements made by a defendant who is prohibited from possessing a firearm. It is important to note that these searches that result in the suppression of evidence are performed with consent, and are still resulting in this suppression. With this legislation, this loophole will no longer be exploited. In the midst of all the gun violence that is occurring, this bill is a much needed tool that we can enable States Attorneys to use to properly charge those who have unlawful possession of a firearm.

I would like to add that this bill has unilateral support through the law enforcement community. This bill is once again being supported by the Baltimore Police Commissioner and received support from the Baltimore City States Attorney the last time this bill was filed in 2018.

I hope that you all see the importance of this legislation. I hurt to read every instance of gun violence in our state, and hope this can be a major step towards getting these guns and criminals off our streets.

For these reasons I ask for a favorable report on Senate Bill 468.