



BALTIMORE POLICE DEPARTMENT



BERNARD C. "JACK" YOUNG
Mayor

MICHAEL S. HARRISON
Police Commissioner

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: House Bill 1085 – Criminal Procedure – Appeals – Unlawful Possession of a Firearm

DATE: March 4, 2020

POSITION: SUPPORT

Chair Clippinger, Vice-Chair Atterbeary, and members of the Committee, please be advised that the Baltimore Police Department **supports** House Bill 1085.

House Bill 1085 allows the State to appeal the decisions of a criminal trial court in gun cases where evidence offered by the State has been excluded, or where a decision has been made to return property (a firearm) to the defendant. House Bill 1085 ensures that the State has an equal and fair opportunity to convict prohibited persons who break the law a second time by illegally possessing a gun.

Under the United States code of criminal justice, a *defendant* may appeal a finding of a court in virtually all proceedings – all the way to the Supreme Court. However, in Maryland, the *State* may only appeal the decision of a criminal trial court in very limited circumstances. They currently cannot appeal decisions made during gun cases. There are numerous examples of gun cases in which a motion to suppress evidence gathered through a car search or pat down has been granted because of statements made by a defendant who is prohibited from possessing a firearm; this bill would close that loophole. It is important to note that this legislation in no way affects law-abiding citizens who are permitted to possess a firearm.

While getting repeat violent offenders off the street remains our top priority, the State must have the tools to successfully prosecute these gun offenders so that they *stay* off the street. This bill would provide another mechanism to ensure that we are able to keep our residents and visitors of Baltimore City safe.

Therefore, we respectfully request a **favorable** report on House Bill 1085.