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February 16, 2021

Chair William C. Smith, Jr.
Vice Chair Jeff Waldstreicher
Members of Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

Senate Bill 484 - Criminal Procedure - Right of Appeal - Unlawful Possession of a Firearm

POSITION: Support with Amendments

Dear Chair Smith, Vice Chair Waldstreicher, Members of the Committee:

The Administration supports SB 484 - Criminal Procedure - Right of Appeal - Unlawful Possession of a Firearm, legislation that expands the State's ability to appeal a court's decision to suppress evidence during trial. We would like to thank the sponsor for his sponsorship of this legislation.

Under current law, the State has the right to appeal a court's decision to exclude evidence in certain drug crimes and crimes of violence. Senate Bill 484 expands the list of violations that are eligible for the State's use of the interlocutory appeal to include §5-133 (unlawful possession of a regulated firearm), §5-205 (unlawful possession of a rifle or shotgun by a person - general), or §5-206 (unlawful possession of a rifle or shotgun by a person with specified prior convictions) within the Public Safety Article.

The ability for the State to appeal decisions of the court to suppress evidence during trials for firearms offenses is a crucial tool that will assist the State in addressing the gun violence crisis that we are experiencing. This bill is a step in the right direction; however, the Administration respectfully requests the addition of other firearm offenses to further expand the state's ability to appeal, including §§5-621 (possession of a firearm during and in relation to a drug trafficking crime) and 5-622 (firearm possession) of the Criminal Law Article, and §§5-133.1 (restrictions on possession of ammunition), 5-134 (restrictions on sale, rental, or transfer of regulated firearms), 5-136 (straw purchases), 5-138 (sale, transfer, or disposal of stolen regulated firearm prohibited), 5-140 (transporting regulated firearm for unlawful sale or trafficking), 5-141 (knowing participation in straw purchase), and 5-142 (remove or alteration of identification mark or number on firearm) of the Public Safety Article. The inclusion of these offenses would better align Senate Bill 484 with Senate Bill 396.

For these reasons, the Administration asks for your favorable with amendments report on Senate Bill 484. For additional details, please contact Erin Chase, Deputy Legislative Officer, at 410-974-3336 or erin.chase1@maryland.gov.