

CHAPTER 573

(Senate Bill 376)

AN ACT concerning

Interlocutory Appeals - Controlled Dangerous Substances

FOR the purpose of adding certain criminal cases involving controlled dangerous substances to cases from which the State may appeal a decision of a trial court to exclude certain evidence or to require the return of certain property; specifying when and how the State's appeal shall be made for certain criminal cases involving controlled dangerous substances; and generally relating to the State's right to appeal in certain criminal cases relating to controlled dangerous substances.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 12-302(c)(3)
Annotated Code of Maryland
(1984 Replacement Volume and 1988 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

12-302.

(c) In a criminal case, the State may appeal as provided in this subsection.

(3) (i) In a case involving a crime of violence as defined in § 643B of Article 27, AND IN CASES UNDER §§ 286 AND 286A OF ARTICLE 27, the State may appeal from a decision of a trial court that excludes evidence offered by the State or requires the return of property alleged to have been seized in violation of the Constitution of the United States, the Constitution of Maryland, or the Maryland Declaration of Rights.

(ii) The appeal shall be made before jeopardy attaches to the defendant. However, in all cases the appeal shall be taken no more than 15 days after the decision has been rendered and shall be diligently prosecuted.

(iii) Before taking the appeal, the State shall certify to the court that the appeal is not taken for purposes of delay and that the evidence excluded or the property required to be returned is substantial proof of a material fact in the