
By: **Delegate Boutin**
Introduced and read first time: February 9, 2001
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2001

CHAPTER _____

1 AN ACT concerning

2 **Forfeitures - Gambling Contraband - Service of Process**

3 FOR the purpose of clarifying that an application for the forfeiture of contraband
4 ~~money~~ seized in connection with gambling violations be made by complaint and
5 filed in a certain court; clarifying that service of process shall be in accordance
6 with certain Maryland Rules; providing that substitute service may be made in
7 accordance with certain Maryland Rules under certain circumstances; providing
8 for the application of this Act; and generally relating to forfeiture procedures.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Procedure
11 Section 13-105
12 Annotated Code of Maryland
13 (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
14 2001)

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

17 **Article - Criminal Procedure**

18 13-105.

19 (a) (1) Each application for the forfeiture of contraband shall be by
20 complaint AND SHALL BE FILED IN THE DISTRICT COURT OR CIRCUIT COURT OF THE
21 COUNTY IN WHICH THE CONTRABAND WAS SEIZED.

1 (2) [A copy of the complaint and show cause order shall be served in
2 accordance with the Maryland Rules] THE COMPLAINT SHALL BE SERVED IN
3 ACCORDANCE WITH MARYLAND RULE 2-121 OR 3-121(A), OR IF SERVICE OF PROCESS
4 IS UNABLE TO BE MADE AND THE SUMMONS IS RETURNED NON EST, SUBSTITUTE
5 SERVICE MAY BE MADE IN ACCORDANCE WITH MARYLAND RULE 2-122 OR 3-121(B) OR
6 (C).

7 (b) (1) If a conviction, including a plea of guilty or plea of nolo contendere, is
8 entered against a person arrested in connection with the seizure of the money, the
9 financial authority shall apply to the District Court or circuit court for an order
10 forfeiting the money to the jurisdiction that the financial authority serves.

11 (2) The financial authority shall apply for the order within 90 days after
12 entry of the conviction or plea, unless the case is appealed.

13 (c) Before ordering a forfeiture of the money, the court must be satisfied that
14 no undetermined proceeding to recover the money is pending in court against the
15 financial authority.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed only prospectively and may not be applied or interpreted to have any effect
18 on or application to any cause of action occurring before the effective date of this Act.

19 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2001.