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By: **Senators Jacobs, Forehand, Giannetti, Haines, Jimeno, Mooney, and Stone**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Seizure and Forfeiture of Money - Criminal Gang**  
3 **Members**

4 FOR the purpose of providing that money is prima facie contraband and subject to  
5 forfeiture if a law enforcement officer in the State seizes the money in  
6 connection with an arrest for certain criminal gang offenses; requiring a court to  
7 order certain money forfeited to a certain law enforcement unit or the State  
8 upon conviction of a person for certain criminal gang offenses; and generally  
9 relating to seizure and forfeiture of money and criminal gang members.

10 BY adding to

11 Article - Criminal Procedure  
12 Section 13-401 to be under the new subtitle "Subtitle 4. Violations of Criminal  
13 Gang Laws"  
14 Annotated Code of Maryland  
15 (2001 Volume and 2005 Supplement)

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

18 **Article - Criminal Procedure**

19 **SUBTITLE 4. VIOLATIONS OF CRIMINAL GANG LAWS.**

20 13-401.

21 (A) IN THIS SECTION, "CRIMINAL GANG" HAS THE MEANING STATED IN § 9-801  
22 OF THE CRIMINAL LAW ARTICLE.

23 (B) ANY MONEY IN THE POSSESSION OF A MEMBER OF A CRIMINAL GANG  
24 ARRESTED FOR A VIOLATION OF TITLE 9, SUBTITLE 8 OF THE CRIMINAL LAW ARTICLE  
25 IS PRIMA FACIE CONTRABAND AND MAY BE SEIZED BY ANY LAW ENFORCEMENT  
26 OFFICER AND IS SUBJECT TO FORFEITURE UNDER SUBSECTION (C) OF THIS  
27 SECTION.

1 (C) IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR A VIOLATION OF  
2 TITLE 9, SUBTITLE 8 OF THE CRIMINAL LAW ARTICLE, THE COURT, ON CONVICTION  
3 OF A PERSON FOR A VIOLATION OF TITLE 9, SUBTITLE 8 OF THE CRIMINAL LAW  
4 ARTICLE, SHALL ORDER ANY MONEY SEIZED FROM THE PERSON AT THE TIME OF  
5 ARREST TO BE FORFEITED TO:

6 (1) THE COUNTY OR THE MUNICIPAL CORPORATION, IF THE MONEY IS  
7 SEIZED BY THE POLICE OF A COUNTY OR MUNICIPAL CORPORATION, INCLUDING A  
8 SHERIFF'S DEPARTMENT THAT IS THE LOCAL LAW ENFORCEMENT UNIT; OR

9 (2) THE STATE, IF THE MONEY IS SEIZED BY A STATE AUTHORITY.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2006.