Article - Criminal Procedure

§13–501.

(a) In this subtitle the following words have the meanings indicated.

(b) "Chief executive officer" means:

(1) for Baltimore City, the Mayor;

(2) for a charter county, the county executive or, if there is no county executive, the county council;

(3) for a code county, the county commissioners;

(4) for a commission county, the county commissioners; or

(5) for a municipal corporation, the legislative body established by municipal charter.

(c) "Convicted" means found guilty.

(d) "Final disposition" means dismissal, entry of a nolle prosequi, marking of a criminal charge "stet" on the docket, entry of a not guilty verdict, pronouncement of sentence, or imposition of probation under § 6–220 of this article.

(e) "Forfeiting authority" means:

(1) the unit or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body having jurisdiction over assets subject to forfeiture to act on behalf of the governing body regarding those assets; or

(2) if the seizing authority is a unit of the State, a unit or person that the Attorney General or the Attorney General's designee designates by agreement with a State's Attorney, county attorney, or municipal attorney to act on behalf of the State regarding assets subject to forfeiture by the State.

(f) "Governing body" includes:

(1) the State, if the seizing authority is a unit of the State;

(2) a county, if the seizing authority is a unit of a county;

(3) a municipal corporation, if the seizing authority is a unit of a municipality; and

(4) Baltimore City, if the seizing authority is the Baltimore Police Department.

(g) "Human trafficking law" means § 3–324, § 11–207, § 11–303, § 11–304, and § 11–305 of the Criminal Law Article.

(h) "Lien" includes a mortgage, a deed of trust, a pledge, a security interest, an encumbrance, and a right of setoff.

(i) "Lienholder" means a person who has a lien or a secured interest on property created before the seizure.

(j) "Local financial authority" means:

(1) if the seizing authority is a unit of a county, the treasurer or director of finance of the county; or

(2) if the seizing authority is a unit of a municipal corporation, the treasurer or director of finance of the municipal corporation.

(k) (1) "Owner" means a person having a legal, equitable, or possessory interest in property.

(2) "Owner" includes:

(i) a co–owner;

(ii) a life tenant;

(iii) a remainderman to a life tenancy in real property;

(iv) a holder of an inchoate interest in real property; and

(v) a bona fide purchaser for value.

(l) "Proceeds" means profits derived from a violation of the human trafficking law or property obtained directly or indirectly from those profits.

(m) (1) "Property" includes:

(i) real property and anything growing on or attached to real property;

(ii) motor vehicles; and

(iii) money.

(2) "Property" does not include:

(i) an item unlawfully in the possession of a person other than the owner when used in connection with a violation of the human trafficking law; or

(ii) a lessor's interest in property subject to a bona fide lease, unless the forfeiting authority can show that the lessor participated in a violation of the human trafficking law or that the property was the proceeds of a violation of the human trafficking law.

(n) (1) "Real property" means land or an improvement to land.

(2) "Real property" includes:

(i) a leasehold or any other limited interest in property;

(ii) an easement; and

(iii) a reversionary interest in a 99–year ground lease renewable forever.

(o) "Seizing authority" means a law enforcement unit in the State that is authorized to investigate violations of the human trafficking law and that has seized property under this subtitle.