

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 721 (Senator Lee)
Judicial Proceedings

Criminal Procedure - Forfeiture Proceedings - Notice

This bill authorizes the publication of a notice of forfeiture of property connected to a controlled dangerous substances violation for a period of 30 days on an official website of the county in which the action is pending as an alternative to existing statutory requirements for publication of the notice in a newspaper. The bill extends application of the exemption on newspaper notices for boats or motor vehicles to notices published on the applicable county's website.

Fiscal Summary

State Effect: Minimal decrease in State expenditures (all fund types) for State agencies involved in forfeitures. Revenues are not affected.

Local Effect: Minimal decrease in expenditures for local law enforcement entities involved in forfeitures. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Current Law: A notice of forfeiture related to controlled dangerous substances violations must be signed by the clerk of the court and contain specified information. Within 20 days after the filing of the complaint seeking forfeiture, the sheriff must post the notice on the door of the courthouse where the action is pending or on a bulletin board within the immediate vicinity of the door of the courthouse. If the forfeiture is for real property, the sheriff must also post the notice in a conspicuous place on the land. In addition to these

postings, the notice must be published once a week for three successive weeks in a newspaper of general circulation published in the county in which the action is pending, unless the property is a boat or motor vehicle.

State/Local Expenditures: Expenditures decrease minimally for State and local agencies involved in forfeitures that do not need to advertise in newspapers as a result of the bill. For example, both Garrett and Montgomery counties advise that the bill results in a decrease in local expenditures to publish notices in newspapers.

Small Business Effect: The bill may have a meaningful impact on small business newspapers that lose advertisement revenue as a result of the bill.

Additional Information

Prior Introductions: None.

Cross File: HB 1129 (Delegate Malone, *et al.*) - Judiciary.

Information Source(s): Dorchester, Garrett, and Montgomery counties; Judiciary (Administrative Office of the Courts); *Maryland Manual*; *Bethesda Beat*; Department of Legislative Services

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Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510