

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 554  
Judiciary

(Delegate Malone)

Judicial Proceedings

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**Criminal Procedure - Forfeiture Proceedings - Notice**

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This bill authorizes the publication of a notice of forfeiture of property connected to a controlled dangerous substances violation prominently posted for a period of 30 consecutive 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 the application of the exemption on newspaper notices for boats or motor vehicles to notices published on the applicable county's website.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances, as discussed below.

**Local Effect:** Minimal decrease in expenditures for local law enforcement entities involved in forfeitures. The bill is not expected to materially affect local revenues.

**Small Business Effect:** Potential meaningful.

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**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 Revenues:** The bill is not expected to materially affect State or local revenues. A person whose property is subject to forfeiture uses the notice to file an answer to the complaint seeking forfeiture. While it is possible that a person whose property is subject to forfeiture and reads newspapers will not see a notice posted on a county website, it can also be argued that a person who uses online media as a primary source of information is not likely to see a notice in a print newspaper.

**State Expenditures:** The bill is not expected to materially affect State expenditures. While the Department of State Police (DSP) acknowledges that publishing notices in print publications is costly, DSP doubts whether the department, as a State agency, can use a county website to post these notices. As a result, DSP advises that it will continue to comply with existing statute for these notices.

**Local Expenditures:** Expenditures decrease minimally for local agencies involved in forfeitures if these agencies do not advertise in newspapers as a result of the bill. For example, with respect to identical legislation introduced in prior years, both Garrett and Montgomery counties advised 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.

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### **Additional Information**

**Prior Introductions:** HB 1129 of 2018 received a hearing in the House Judiciary Committee. No further action was taken on the bill. Its cross file, SB 721, received a hearing in the Senate Judicial Proceedings Committee. No further action was taken on the bill.

**Cross File:** None.

**Information Source(s):** Montgomery County; Department of State Police; Governor's Office of Crime Control and Prevention; *Maryland Manual*; *Bethesda Beat*; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2019  
mm/kdm Third Reader - March 18, 2019  
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