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**By: Delegates McKee and Donoghue**

Introduced and read first time: February 16, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Confiscated Handguns - Offer for Sale Before Disposition**

3 FOR the purpose of requiring certain law enforcement officials to offer certain seized  
4 and forfeited handguns and property related to handguns for sale to certain licensed  
5 gun dealers; requiring that the law enforcement officials transfer any proceeds from  
6 the sale to a certain fund; providing that if the confiscated handguns and property  
7 related to handguns are not sold within a certain time from the date they are first  
8 presented for sale, the law enforcement agency may dispose of the property as it  
9 deems appropriate; and generally relating to the seizure and forfeiture of handguns.

10 BY repealing and reenacting, with amendments,  
11 Article 27 - Crimes and Punishments  
12 Section 36C(d)  
13 Annotated Code of Maryland  
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 36C.

19 (d) [(1) Whenever property is forfeited under this section, the law enforcement  
20 agency seeking forfeiture of the property may:

21 (i) Order the property retained for the official use of the law  
22 enforcement agency; or

23 (ii) Make such other disposition of the property as the law  
24 enforcement agency deems appropriate.]

25 (1) IF A SINGLE ITEM OF PROPERTY FORFEITED UNDER THIS SECTION  
26 HAS A FAIR MARKET VALUE OF LESS THAN \$50, THE LOCAL LAW ENFORCEMENT  
27 AGENCY THAT HAS CUSTODY OF THE FORFEITED PROPERTY SHALL:

28 (I) RETAIN THE PROPERTY FOR OFFICIAL USE BY THE LAW  
29 ENFORCEMENT AGENCY; OR

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1 (II) DISPOSE OF THE PROPERTY AS THE AGENCY DEEMS  
2 APPROPRIATE.

3 (2) IF A SINGLE ITEM OF PROPERTY FORFEITED UNDER THIS SECTION  
4 HAS A FAIR MARKET VALUE OF \$50 OR MORE, THE LOCAL LAW ENFORCEMENT  
5 AGENCY THAT HAS CUSTODY OF THE FORFEITED PROPERTY SHALL:

6 (I) RETAIN THE PROPERTY FOR OFFICIAL USE BY THE LOCAL LAW  
7 ENFORCEMENT AGENCY; OR

8 (II) OFFER THE PROPERTY FOR SALE TO DEALERS LICENSED  
9 UNDER ARTICLE 27, § 443 OF THE CODE.

10 (3) IF NO LICENSED DEALER PURCHASES THE FORFEITED PROPERTY  
11 WITHIN 1 YEAR OF THE DATE THAT THE PROPERTY IS FIRST OFFERED FOR SALE  
12 UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, THE LOCAL LAW ENFORCEMENT  
13 AGENCY MAY DISPOSE OF THE PROPERTY AS THE AGENCY DEEMS APPROPRIATE.

14 (4) THE LAW ENFORCEMENT AGENCY SHALL TRANSFER THE PROCEEDS  
15 OBTAINED FROM THE SALE OF THE FORFEITED PROPERTY UNDER PARAGRAPH  
16 (2)(II) OF THIS SUBSECTION TO THE COMPTROLLER OF THE STATE WHO SHALL  
17 DEPOSIT THE PROCEEDS IN THE GENERAL FUND.

18 [(2)] (5) Within 30 days of the disposition of the forfeited property, the law  
19 enforcement agency shall notify the Secretary of the State Police of:

20 (i) The description of the property forfeited;

21 (ii) The type of disposition made;

22 (iii) The identity of the person to whom the property was transferred  
23 for disposal, retention, or resale; and

24 (iv) If the person was a licensed firearms dealer, the firearms dealer's  
25 license number and address.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 1996.