
By: Delegates Bozman, Conway, and McClenahan

Introduced and read first time: January 9, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Seizure and Forfeiture - Disposition of Forfeited Property**

3 FOR the purpose of requiring a law enforcement agency that seizes certain handguns or
4 certain property relating to a handgun to destroy the forfeited property or sell the
5 forfeited property to another law enforcement agency for official use by the
6 purchasing agency or a licensed firearms dealer; and generally relating to the
7 seizure and forfeiture of handguns.

8 BY repealing and reenacting, without amendments,
9 Article 27 - Crimes and Punishments
10 Section 36C(a)
11 Annotated Code of Maryland
12 (1996 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article 27 - Crimes and Punishments
15 Section 36C(d)
16 Annotated Code of Maryland
17 (1996 Replacement Volume)

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

20 **Article 27 - Crimes and Punishments**

21 36C.

22 (a) The following items of property shall be subject to seizure and forfeiture, and,
23 upon forfeiture, no property right shall exist in them:

24 (1) Any handgun being worn, carried, or transported in violation of § 36B of
25 this article; and

26 (2) All ammunition or other parts of or appurtenances to any such handgun
27 worn, carried, or transported by such person or found in the immediate vicinity of such
28 handgun.

2

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

3 (i) Order the property retained for the official use of the law
4 enforcement agency; [or]

5 (ii) [Make such other disposition of the property as the law
6 enforcement agency deems appropriate] DESTROY THE FORFEITED PROPERTY; OR

7 (III) SELL THE FORFEITED PROPERTY TO:

8 1. ANOTHER LAW ENFORCEMENT AGENCY FOR OFFICIAL
9 USE BY THE PURCHASING AGENCY; OR

10 2. A LICENSED FIREARMS DEALER.

11 (2) Within 30 days of the disposition of the forfeited property, the law
12 enforcement agency shall notify the Secretary of the State Police of:

13 (i) The description of the property forfeited;

14 (ii) The type of disposition made;

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1997.