

SENATE BILL 62

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E4

1998 Regular Session
8lr6042

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - State
Police, Dept. of)**

Requested: October 8, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 1998

CHAPTER _____

1 AN ACT concerning

2 **Explosives - Forfeiture of Vehicle, Vessel, or Aircraft**

3 FOR the purpose of adding the State as a governmental body eligible to receive
4 certain forfeited property; and generally relating to the forfeiture of vehicles,
5 vessels, or aircraft.

6 BY repealing and reenacting, with amendments,
7 Article 38A - Fires and Investigations
8 Section 34F
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1997 Supplement)

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

13 **Article 38A - Fires and Investigations**

14 34F.

15 In addition to any other fines or penalties provided for a violation of the
16 provisions of this subtitle, any motor vehicle or other vehicle, vessel or aircraft used
17 or employed in the concealment, conveying or transporting of any explosives during
18 the course of any violation of this subtitle by any person or persons on whom a penalty
19 and/or fine is imposed under the provisions of § 34A or § 34B, shall upon the
20 conviction or convictions be declared by the court to be forfeited to the [county or to
21 Baltimore City,] STATE, TO THE COUNTY, OR TO BALTIMORE CITY as the case may be;

1 provided that no vehicle shall be forfeited hereunder unless the owner thereof
2 authorized or permitted such use or employment, and provided further that the
3 interest thereby transferred to the [county or Baltimore City] STATE, COUNTY, OR
4 BALTIMORE CITY shall be subordinate to the interest of the holder of any perfected
5 security interest in such vehicle, vessel, or aircraft. The SECRETARY OF THE
6 DEPARTMENT OF STATE POLICE, county commissioners or the Mayor and City
7 Council of Baltimore City at their discretion, and after discharging any perfected
8 security interest in such vehicle, vessel or aircraft, may use the same for public
9 purposes or may exchange, sell or convey it to another person or persons; and any
10 cash or moneys received therefor shall be added to the general funds of the [county or
11 Baltimore City] STATE, COUNTY, OR BALTIMORE CITY.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 1998.