

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 666 (Delegate Menes. *et al.*)
(Chairwoman. Special Committee on Drug and Alcohol Abuse)

Judiciary

Crimes - Controlled Dangerous Substances - Forfeiture

This bill alters current law provisions relating to seizures and forfeitures connected with the commission of a controlled dangerous substance offense.

Fiscal Summary

State Effect: None. The bill's changes could be handled with the existing budgeted resources of the Judiciary and the Department of State Police.

Local Effect: None. These changes are primarily procedural in nature and should not directly or substantively affect local forfeiture operations or finances.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill prevents the forfeiture of property seized during the commission of a controlled dangerous substance (CDS) offense if the owner of the property can prove no prior knowledge of the crime. The bill eliminates a show cause order as necessary for an application for the forfeiture.

The bill expands, from 10 to 20 days after the filing of the complaint, the time frame within which a forfeiture proceeding must take place in a circuit court. An answer to a forfeiture complaint must include a request for a prompt hearing.

The bill expands the possible circumstances for seizure and forfeiture to include whether

there is evidence that the vehicle was acquired from the proceeds of a CDS transaction. The bill allows other factors that could make up the circumstances to justify a seizure or forfeiture. A current law corroborative factor is eliminated.

In addition, unless the forfeiture authority and the owner agree to a bond in another amount, the bill provides, as specified, for appraisals of motor vehicles on the basis of its average value as set forth in the National Automobile Dealer's Association Official Used Car Guide. A person is allowed to provide such bond by cash, through a surety, through a lien on real property, or by means of any other security approved by the court clerk.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Anne Arundel County Police Department, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 1998
Inc Revised - House Third Reader - March 30, 1998

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