

HOUSE BILL 99

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SB 62/98 - JPR

1999 Regular Session  
9lr0033

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

Introduced and read first time: January 22, 1999

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 16, 1999

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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; clarifying the jurisdiction to which a court must order  
5 forfeiture; allowing the Secretary of the State Police to dispose of certain  
6 forfeited property in a certain manner; providing for the deposit of certain cash  
7 or money in the State general fund; and generally relating to the forfeiture of  
8 vehicles, vessels, or aircraft.

9 BY repealing and reenacting, with amendments,  
10 Article 38A - Fires and Investigations  
11 Section 34F  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1998 Supplement)

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

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

17 34F.

18 In addition to any other fines or penalties provided for a violation of the  
19 provisions of this subtitle, any motor vehicle or other vehicle, vessel, or aircraft used  
20 or employed in the concealment, conveying or transporting of any explosives during  
21 the course of any violation of this subtitle by any person or persons on whom a penalty  
22 and/or fine is imposed under the provisions of § 34A or § 34B OF THIS SUBTITLE, shall  
23 upon the conviction or convictions be declared by the court to be forfeited to the

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 1999.