

SENATE BILL 112

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1999 Regular Session
9r1107

By: **Senators Jacobs, Hooper, and Collins**
Introduced and read first time: January 22, 1999
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 16, 1999

CHAPTER _____

1 AN ACT concerning

2 **Sheriffs Harford County - Sheriff - Sale of Property - Notice**

3 FOR the purpose of altering the length of time that ~~a~~ the sheriff of Harford County
4 must possess abandoned, lawfully confiscated, or recovered property before
5 notice of the sale of the property is given to certain persons; repealing a
6 reference to giving notice of certain sales by registered mail; and generally
7 relating to the disposal of property by ~~sheriffs~~ the sheriff of Harford County.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 2-311
11 Annotated Code of Maryland
12 (1998 Replacement Volume)

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

15 **Article - Courts and Judicial Proceedings**

16 2-311.

17 (a) The sheriff of a county may establish and administer reasonable guidelines
18 in accordance with this section for disposing of abandoned, lawfully confiscated, or
19 recovered property that is in the possession of the sheriff's office.

20 (b) The guidelines shall provide that:

1 (1) ~~After (I) EXCEPT IN HARFORD COUNTY, AFTER~~ property has been in
2 the possession of the sheriff for {a period of one year} ~~AT LEAST 90 DAYS~~, notice of the
3 sale of the property shall be given by ~~registered or~~ certified mail to those persons
4 entitled to its possession and to those lienholders whose names and addresses can be
5 ascertained by the exercise of reasonable diligence; AND

6 (II) IN HARFORD COUNTY, AFTER PROPERTY HAS BEEN IN THE
7 POSSESSION OF THE SHERIFF FOR AT LEAST 90 DAYS, NOTICE OF THE SALE OF THE
8 PROPERTY SHALL BE GIVEN BY CERTIFIED MAIL TO THOSE PERSONS ENTITLED TO
9 ITS POSSESSION AND TO THOSE LIENHOLDERS WHOSE NAMES AND ADDRESSES CAN
10 BE ASCERTAINED BY THE EXERCISE OF REASONABLE DILIGENCE;

11 (2) The property may be sold at public auction after a description of the
12 property and the time, place, and terms of the sale have been published in a
13 newspaper of general circulation in the county in each of 2 successive weeks;

14 (3) The amount received from the sale of property in accordance with
15 this section shall be distributed in the following order of priority:

16 (i) To the sheriff, in an amount equal to the expense of the sale and
17 all expenses incurred while the property was in the sheriff's custody;

18 (ii) To lienholders in order of their priority; and

19 (iii) Subject to the provisions of item (4) of this subsection, to the
20 general fund of the county; and

21 (4) At any time within 3 years from the date of the sale of the property,
22 any person submitting satisfactory proof of the person's right to the possession of the
23 property shall be paid, without interest, the amount distributed to the general fund
24 pursuant to item (3) of this subsection, and after the expiration of 3 years from the
25 date of the sale, any claims shall be absolutely barred.

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