
By: **Delegates Vallario, Valderrama, and Boschert**
Introduced and read first time: February 9, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Child Pornography and Unlawful Sexual Conduct - Seizure and**
3 **Disposition of Property**

4 FOR the purpose of providing for the seizure and forfeiture of certain electronic
5 equipment relating to child pornography; authorizing the court to dispose of
6 certain property; establishing that proceeds from the sale of certain property are
7 to be paid to the Maryland Center for Missing Children; and generally relating
8 to destruction of obscene matter and the seizure and disposition of property used
9 in matters relating to child pornography and unlawful sexual conduct.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 425
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 425.

19 (A) Upon the conviction of the accused, the court, when the conviction becomes
20 final, may order any matter or advertisement, in respect whereof the accused stands
21 convicted, and which remains in the possession or under the control of the State's
22 Attorney or any law enforcement agency, to be destroyed, and the court may cause to
23 be destroyed any such material in its possession or under its control.

24 (B) (1) ALL AUDIO AND VISUAL EQUIPMENT, ELECTRONIC EQUIPMENT, AND
25 OTHER PERSONAL PROPERTY USED IN CONNECTION WITH COMMUNICATING WITH A
26 MINOR OR SOMEONE BELIEVED TO BE A MINOR FOR THE PURPOSE OF COMMITTING
27 UNLAWFUL SEXUAL CONDUCT OR THE PRODUCTION, STORAGE, COPYING,
28 DISTRIBUTING, OR FACILITATING OF SEXUALLY EXPLICIT VISUAL MATERIAL HAVING
29 A MINOR AS A SUBJECT SHALL BE:

1 (I) SUBJECT TO SEIZURE BY A LAW ENFORCEMENT OFFICER; AND

2 (II) UPON CONVICTION OF THE ACCUSED, SUBJECT TO
3 FORFEITURE BY THE STATE BY ORDER OF THE COURT.

4 (2) THE COURT SHALL DISPOSE OF THE FORFEITED PROPERTY AS IT
5 DEEMS PROPER.

6 (3) IF THE PROPERTY IS DISPOSED OF BY SALE, THE COURT SHALL
7 PROVIDE THAT THE PROCEEDS BE PAID TO THE MARYLAND CENTER FOR MISSING
8 CHILDREN TO BE USED FOR EDUCATION AND TRAINING PURPOSES.

9 (4) A FORFEITURE UNDER THIS SUBSECTION SHALL NOT EXTINGUISH
10 THE RIGHTS OF ANY PERSON WITHOUT KNOWLEDGE OF THE ILLEGAL USE OF THE
11 PROPERTY WHO:

12 (I) IS THE LAWFUL OWNER OF THE PROPERTY; OR

13 (II) HAS A VALID AND PERFECTED LIEN ON THE PROPERTY.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2000.