

HOUSE BILL 212

Unofficial Copy
L2
HB 204/99 - JUD

2001 Regular Session
11r0956
CF 11r1359

By: **Harford County Delegation**

Introduced and read first time: January 22, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Sheriff - Disposal of Property - Time Limitations**

3 FOR the purpose of altering the time period for holding certain property in the
4 possession of the Sheriff of Harford County before the Sheriff may dispose of the
5 property; and generally relating to the disposal of certain property in the
6 possession of the Sheriff of Harford County.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 2-311
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2000 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 2-311.

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

19 (b) The guidelines shall provide that:

20 (1) [After] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
21 AFTER property has been in the possession of the sheriff for a period of one year,
22 notice of the sale of the property shall be given by registered or certified mail to those
23 persons entitled to its possession and to those lienholders whose names and addresses
24 can be ascertained by the exercise of reasonable diligence;

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

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

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

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

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

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

13 (C) IN HARFORD COUNTY, THE GUIDELINES ESTABLISHED UNDER THIS
14 SECTION SHALL AUTHORIZE THE SHERIFF OF HARFORD COUNTY TO DISPOSE OF
15 PROPERTY THAT HAS BEEN IN THE POSSESSION OF THE SHERIFF'S OFFICE FOR
16 MORE THAN 90 DAYS.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2001.