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By: **Delegate Boutin**  
Introduced and read first time: February 9, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Forfeitures - Gambling Contraband - Service of Process**

3 FOR the purpose of clarifying that an application for the forfeiture of contraband  
4 money seized in connection with gambling violations be made by complaint and  
5 filed in a certain court; clarifying that service of process shall be in accordance  
6 with certain Maryland Rules; providing that substitute service may be made in  
7 accordance with certain Maryland Rules under certain circumstances; and  
8 generally relating to forfeiture procedures.

9 BY repealing and reenacting, with amendments,  
10 Article - Criminal Procedure  
11 Section 13-105  
12 Annotated Code of Maryland  
13 (As enacted by Chapter \_\_\_\_\_(S.B. 1) of the Acts of the General Assembly of  
14 2001)

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

17 **Article - Criminal Procedure**

18 13-105.

19 (a) (1) Each application for the forfeiture of contraband shall be by  
20 complaint AND SHALL BE FILED IN THE DISTRICT COURT OR CIRCUIT COURT OF THE  
21 COUNTY IN WHICH THE CONTRABAND WAS SEIZED.

22 (2) [A copy of the complaint and show cause order shall be served in  
23 accordance with the Maryland Rules] THE COMPLAINT SHALL BE SERVED IN  
24 ACCORDANCE WITH MARYLAND RULE 2-121 OR 3-121(A), OR IF SERVICE OF PROCESS  
25 IS UNABLE TO BE MADE AND THE SUMMONS IS RETURNED NON EST, SUBSTITUTE  
26 SERVICE MAY BE MADE IN ACCORDANCE WITH MARYLAND RULE 2-122 OR 3-121(B) OR  
27 (C).

1 (b) (1) If a conviction, including a plea of guilty or plea of nolo contendere, is  
2 entered against a person arrested in connection with the seizure of the money, the  
3 financial authority shall apply to the District Court or circuit court for an order  
4 forfeiting the money to the jurisdiction that the financial authority serves.

5 (2) The financial authority shall apply for the order within 90 days after  
6 entry of the conviction or plea, unless the case is appealed.

7 (c) Before ordering a forfeiture of the money, the court must be satisfied that  
8 no undetermined proceeding to recover the money is pending in court against the  
9 financial authority.

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