

HOUSE BILL 181

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2003 Regular Session
3r1888
CF 3r1435

By: **Delegates Glassman, Boutin, James, McComas, and Parrott**
Introduced and read first time: January 29, 2003
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2003

CHAPTER _____

1 AN ACT concerning

2 **Sheriffs - Disposal of Property - Holding Period**

3 FOR the purpose of altering the period of time ~~that certain guidelines shall provide~~
4 ~~that require a sheriff to hold abandoned, lawfully confiscated, or recovered~~
5 ~~property before the sheriff may give notice for the sale of the property,~~
6 prescribed under certain guidelines, that certain property is required to be in
7 the possession of the sheriff before the sheriff is required to give certain notice of
8 the sale of the property to certain persons and certain lienholders; and generally
9 relating to the disposal of property by a sheriff.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 2-311
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

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

17 **Article - Courts and Judicial Proceedings**

18 2-311.

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

22 (b) The guidelines shall provide that:

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

6 (II) AFTER ABANDONED OR RECOVERED PROPERTY HAS BEEN IN
7 THE POSSESSION OF THE SHERIFF FOR A PERIOD OF 6 MONTHS, NOTICE OF THE SALE
8 OF THE PROPERTY SHALL BE GIVEN BY REGISTERED OR CERTIFIED MAIL TO THOSE
9 PERSONS ENTITLED TO ITS POSSESSION AND TO THOSE LIENHOLDERS WHOSE
10 NAMES AND ADDRESSES CAN BE ASCERTAINED BY THE EXERCISE OF REASONABLE
11 DILIGENCE;

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2003.