

SENATE BILL 131

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2003 Regular Session
3r1435
CF 3r1888

By: **Senator Brinkley**

Introduced and read first time: January 24, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; and
6 generally relating to the disposal of property by a sheriff.

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

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 property has been in the possession of the sheriff for a period of
21 [one year] 90 DAYS, notice of the sale of the property shall be given by registered or
22 certified mail to those persons entitled to its possession and to those lienholders
23 whose names and addresses can be ascertained by the exercise of reasonable
24 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2003.