

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 131 (Senator Brinkley)  
Judicial Proceedings

Judiciary

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

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This bill provides that county sheriffs must possess lawfully confiscated property for at least one year before they can sell or dispose of the property and decreases from one year to 90 days the minimum time period that county sheriffs must possess abandoned or recovered property before they can sell or dispose of the property.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** County expenditures could decrease by a minimal amount beginning in FY 2004 and county revenues could increase by a minimal amount.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Each county sheriff may establish guidelines for disposing of abandoned, lawfully confiscated, or recovered property in the possession of the sheriff's office. Those guidelines must provide that after the property has been in the sheriff's possession for one year, notice of the sale of the property must be given to those persons entitled to its possession and to any lienholders whose names and addresses can be reasonably ascertained.

**Background:** Sheriffs' offices typically hold abandoned, lawfully confiscated, or recovered property for a year before disposition. Many full-service sheriffs' offices hold

property for more than a year before disposition. However, in Baltimore City and the five counties with a police department, most sheriffs' offices turn over abandoned, lawfully confiscated, or recovered property to the police department or only hold property as evidence in court cases.

The length of time that police departments must hold abandoned, lawfully confiscated, or recovered property before they can sell or dispose of the property varies in each jurisdiction. Police departments are required to hold property for 30 days before sale or disposition in Baltimore City and Baltimore County, 60 days in Anne Arundel and Montgomery counties, and 90 days in Howard and Prince George's counties. Additionally, the Maryland State Police are required to hold property for six months before sale.

**Local Fiscal Effect:** Generally, county expenditures could decrease by a minimal amount as each sheriff's office would no longer need to lease or maintain space to store abandoned or recovered property. It is anticipated that the shorter time requirement would result in more frequent public auctions and allow for counties to realize revenues more quickly each year. Any impact on county revenues and expenditures is assumed to be minimal.

By way of illustration, Harford County, a full-service sheriff's office, stores nearly 15,000 items in inventory, disposes approximately 3,800 items annually, and earns about \$10,000 annually. In Prince George's County, which is not a full-service sheriff's office, the sheriff's office turns over most abandoned, lawfully confiscated, or recovered property to the county's police department and only keeps property as evidence in ongoing cases with property being returned to rightful owners at the conclusion of the case.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 181 (Delegate Glassman, *et al.*) – Judiciary.

**Information Source(s):** Montgomery County, Prince George's County, Garrett County, Dorchester County, Baltimore County, Anne Arundel County, Caroline County, Washington County, Kent County, Carroll County, Cecil County, Howard County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 4, 2003  
mld/hlb Revised - Enrolled Bill - May 1, 2003

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