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By: **Senators Mooney, Brinkley, Colburn, Greenip, Harris, Jacobs, and Pipkin**

Introduced and read first time: February 10, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Law Enforcement Agencies - Return of Personal Property to**  
3 **Owner**

4 FOR the purpose of requiring a law enforcement agency to hold personal property  
5 that comes into the possession of the agency until the agency determines that  
6 the property is no longer needed in connection with a prosecution; requiring the  
7 law enforcement agency to deliver the personal property to a certain person  
8 after determining that the property is no longer needed in connection with a  
9 prosecution; establishing that a person who is identified on the law enforcement  
10 agency's records as the party from whom the personal property was stolen,  
11 seized, or otherwise taken shall be presumed to have satisfactorily established  
12 the right of possession to the property; requiring a law enforcement agency to  
13 give a certain notice to the owner of certain personal property in the possession  
14 of the agency within a certain time period; requiring a law enforcement agency  
15 to release certain property to a certain third party on receipt of a certain notice  
16 by the owner of the property; providing certain exceptions to the application of  
17 this Act; and generally relating to law enforcement agencies and the return of  
18 personal property to owners.

19 BY adding to  
20 Article - Public Safety  
21 Section 3-504  
22 Annotated Code of Maryland  
23 (2003 Volume and 2004 Supplement)

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

26 **Article - Public Safety**

27 3-504.

28 (A) THIS SECTION DOES NOT APPLY TO:

1 (1) PERSONAL PROPERTY IN THE POSSESSION OF THE DEPARTMENT OF  
2 STATE POLICE UNDER § 2-311 OF THIS ARTICLE;

3 (2) PERSONAL PROPERTY PURCHASED OR OTHERWISE ACQUIRED FOR  
4 USE BY A LAW ENFORCEMENT AGENCY; OR

5 (3) CONTRABAND.

6 (B) A LAW ENFORCEMENT AGENCY SHALL HOLD PERSONAL PROPERTY THAT  
7 COMES INTO THE POSSESSION OF THE AGENCY UNTIL THE AGENCY DETERMINES  
8 THAT THE PROPERTY IS NO LONGER NEEDED IN CONNECTION WITH A  
9 PROSECUTION.

10 (C) (1) AFTER THE LAW ENFORCEMENT AGENCY DETERMINES THAT  
11 PERSONAL PROPERTY IS NO LONGER NEEDED IN CONNECTION WITH A  
12 PROSECUTION, THE AGENCY SHALL DELIVER THE PROPERTY TO THE PERSON WHO  
13 SATISFACTORILY ESTABLISHES THE RIGHT TO POSSESSION OF THE PROPERTY AND  
14 GIVES A PROPER RECEIPT FOR THE PROPERTY.

15 (2) A PERSON WHO IS IDENTIFIED ON THE LAW ENFORCEMENT  
16 AGENCY'S RECORDS AS THE PARTY FROM WHOM THE PERSONAL PROPERTY WAS  
17 STOLEN, SEIZED, OR OTHERWISE TAKEN SHALL BE PRESUMED TO HAVE  
18 SATISFACTORILY ESTABLISHED THE RIGHT OF POSSESSION TO THE PROPERTY.

19 (D) WITHIN 30 DAYS AFTER PERSONAL PROPERTY HAS BEEN IN THE  
20 POSSESSION OF THE LAW ENFORCEMENT AGENCY AND THE AGENCY DETERMINES  
21 THAT THE PROPERTY IS NO LONGER NEEDED IN CONNECTION WITH A PROSECUTION  
22 BUT MAY NOT BE RETURNED TO THE OWNER OF THE PERSONAL PROPERTY DUE TO A  
23 DISQUALIFICATION TO POSSESS THE PERSONAL PROPERTY UNDER THIS ARTICLE,  
24 THE AGENCY SHALL:

25 (1) GIVE NOTICE TO THE OWNER THAT THE OWNER MAY SELL OR  
26 TRANSFER TITLE TO THE PROPERTY TO A THIRD PARTY WHO IS NOT DISQUALIFIED  
27 TO POSSESS THE PERSONAL PROPERTY; AND

28 (2) RELEASE THE PROPERTY TO THE THIRD PARTY ON RECEIPT OF  
29 WRITTEN NOTICE OF THE SALE OR TRANSFER BY THE OWNER.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2005.