

(PRE-FILED)

By: **Senator Mooney**
Requested: August 22, 2005
Introduced and read first time: January 11, 2006
Assigned to: Judicial Proceedings

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 of 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 2005 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 OF 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 OF 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, 2006.