

# HOUSE BILL 1067

E4

(7lr2371)

## **ENROLLED BILL**

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegate Anderson (By Request - Baltimore City Administration) and Delegates Branch, Carter, Conaway, Krysiak, Oaks, Rosenberg, and Stukes**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Local Law Enforcement Agencies - Disposal of Personal Property**

3 FOR the purpose of requiring local law enforcement agencies to hold certain personal  
4 property that comes into their possession until certain determinations are  
5 made, subject to a certain exception; establishing a procedure for local law  
6 enforcement agencies to notify the owner of the property and for the owner of  
7 the property to secure the release of the property in a certain manner within a  
8 certain period of time; authorizing a local law enforcement agency to sell certain  
9 personal property in a certain manner after a certain period of time;

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 establishing that the amount received from the sale of personal property shall  
 2 be distributed in a certain order of priority to certain entities; ~~requiring that a~~  
 3 ~~certain remaining amount from the sale of personal property that was in the~~  
 4 ~~possession of the Baltimore Police Department be divided equally among certain~~  
 5 ~~entities~~; providing that a person who submits certain proof of the right to  
 6 possession of the property shall be paid a certain amount under certain  
 7 circumstances; providing that a certain claim is barred after a certain period of  
 8 time; providing for the interpretation of this Act; defining a certain term; and  
 9 generally relating to the disposal of personal property in the possession of local  
 10 law enforcement agencies.

11 BY adding to  
 12 Article – Public Safety  
 13 Section 3–505  
 14 Annotated Code of Maryland  
 15 (2003 Volume and 2006 Supplement)

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

18 **Article – Public Safety**

19 **3–505.**

20 (A) IN THIS SECTION, “LOCAL LAW ENFORCEMENT AGENCY” MEANS THE  
 21 POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE  
 22 STATE.

23 (B) (1) THIS SECTION DOES NOT APPLY TO PERSONAL PROPERTY  
 24 PURCHASED OR OTHERWISE ACQUIRED FOR USE BY A LOCAL LAW  
 25 ENFORCEMENT AGENCY OR TO CONTRABAND.

26 (2) THIS SECTION DOES NOT APPLY TO PERSONAL PROPERTY  
 27 RETAINED BY A LOCAL LAW ENFORCEMENT AGENCY FOR USE AS EVIDENCE IN A  
 28 CRIMINAL PROSECUTION.

29 (3) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS FOR  
 30 SEIZURE AND FORFEITURE CONTAINED IN TITLES 12 AND 13 OF THE CRIMINAL  
 31 PROCEDURE ARTICLE.

1           (c) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
2 SUBSECTION, THE LOCAL LAW ENFORCEMENT AGENCY SHALL HOLD PERSONAL  
3 PROPERTY THAT COMES INTO THE POSSESSION OF THE LOCAL LAW  
4 ENFORCEMENT AGENCY UNTIL THE LOCAL LAW ENFORCEMENT AGENCY  
5 DETERMINES THAT:

6           ~~(1)~~ (I) THE PROPERTY IS NO LONGER NEEDED IN CONNECTION  
7 WITH A PROSECUTION; OR

8           ~~(2)~~ (II) IF THE PROPERTY IS NOT CONNECTED TO A PROSECUTION,  
9 RETENTION OF THE PROPERTY IS NO LONGER RELEVANT TO THE LOCAL LAW  
10 ENFORCEMENT AGENCY.

11           (2) PERSONAL PROPERTY THAT IS USED AS EVIDENCE IN A  
12 CRIMINAL PROSECUTION SHALL BE RETAINED BY A LOCAL LAW ENFORCEMENT  
13 AGENCY IN THE SAME MANNER AS OTHER EVIDENCE RETAINED BY THE AGENCY.

14           (d) (1) AFTER A LOCAL LAW ENFORCEMENT AGENCY DETERMINES  
15 THAT PERSONAL PROPERTY IS NO LONGER NEEDED IN CONNECTION WITH A  
16 PROSECUTION OR RETENTION OF THE PROPERTY IS NO LONGER RELEVANT TO  
17 THE LOCAL LAW ENFORCEMENT AGENCY, THE LOCAL LAW ENFORCEMENT  
18 AGENCY SHALL NOTIFY THE OWNER OF THE PROPERTY THAT THE LOCAL LAW  
19 ENFORCEMENT AGENCY IS IN POSSESSION OF THE PROPERTY.

20           (2) AFTER NOTIFICATION, THE OWNER OF THE PROPERTY HAS UP  
21 TO 30 DAYS TO SECURE THE IMMEDIATE RELEASE OF THE PROPERTY TO THE  
22 OWNER OR THE OWNER'S DESIGNEE WITH PROPER IDENTIFICATION.

23           (e) (1) AT ANY TIME AFTER PERSONAL PROPERTY HAS BEEN IN THE  
24 POSSESSION OF A LOCAL LAW ENFORCEMENT AGENCY FOR 3 MONTHS AND THE  
25 LOCAL LAW ENFORCEMENT AGENCY DETERMINES THAT THE PROPERTY IS NO  
26 LONGER NEEDED IN CONNECTION WITH A PROSECUTION OR RETENTION OF THE  
27 PROPERTY IS NO LONGER RELEVANT TO THE LOCAL LAW ENFORCEMENT  
28 AGENCY, THE LOCAL LAW ENFORCEMENT AGENCY SHALL:

29           (I) GIVE NOTICE OF THE SALE OF THE PROPERTY BY  
30 REGISTERED OR CERTIFIED MAIL TO THOSE PERSONS ENTITLED TO ITS  
31 POSSESSION AND TO THOSE LIENHOLDERS WHOSE NAMES AND ADDRESSES CAN  
32 BE ASCERTAINED BY THE EXERCISE OF REASONABLE DILIGENCE; AND

1                   (II) PUBLISH A DESCRIPTION OF THE PROPERTY AND THE  
2 TIME, PLACE, AND TERMS OF THE SALE OF THE PROPERTY IN A NEWSPAPER OF  
3 GENERAL CIRCULATION IN THE COUNTY OR MUNICIPAL CORPORATION IN EACH  
4 OF TWO SUCCESSIVE WEEKS.

5                   (2) AFTER COMPLYING WITH THE REQUIREMENTS OF  
6 PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL LAW ENFORCEMENT AGENCY  
7 MAY SELL THE PROPERTY AT PUBLIC AUCTION.

8                   (3) THE TERMS AND MANNER OF SALE MAY BE ESTABLISHED BY  
9 RULE.

10                  (F) THE CERTIFICATE OF THE LOCAL LAW ENFORCEMENT AGENCY  
11 THAT PERSONAL PROPERTY HAS BEEN SOLD UNDER THIS SECTION IS  
12 SUFFICIENT EVIDENCE OF TITLE TO THE PROPERTY FOR ALL PURPOSES,  
13 INCLUDING THE RIGHT TO OBTAIN A CERTIFICATE OF TITLE OR REGISTRATION  
14 FROM AN APPROPRIATE UNIT OF THE STATE.

15                  (G) (1) THE AMOUNT RECEIVED FROM THE SALE OF PERSONAL  
16 PROPERTY IN ACCORDANCE WITH THIS SECTION SHALL BE DISTRIBUTED IN THE  
17 FOLLOWING ORDER OF PRIORITY:

18                   (I) FIRST, TO THE LOCAL LAW ENFORCEMENT AGENCY IN  
19 AN AMOUNT EQUAL TO THE EXPENSE OF SALE AND ALL EXPENSES INCURRED  
20 WHILE THE PROPERTY WAS IN THE POSSESSION OF THE LOCAL LAW  
21 ENFORCEMENT AGENCY;

22                   (II) SECOND, TO LIENHOLDERS IN ORDER OF THEIR  
23 PRIORITY; AND

24                   (III) THIRD, TO THE GENERAL FUND OF THE COUNTY OR  
25 MUNICIPAL CORPORATION, SUBJECT TO PARAGRAPHS ~~(2), (3), AND (4)~~ (2) AND  
26 (3) OF THIS SUBSECTION.

27                   ~~(2) AFTER DISTRIBUTION OF THE AMOUNT RECEIVED FROM THE~~  
28 ~~SALE OF PERSONAL PROPERTY THAT WAS IN THE POSSESSION OF THE~~  
29 ~~BALTIMORE POLICE DEPARTMENT UNDER PARAGRAPH (1)(I) AND (II) OF THIS~~  
30 ~~SUBSECTION, ANY REMAINING AMOUNT SHALL BE DIVIDED EQUALLY AMONG:~~

31                   ~~(i) THE POLICE ATHLETIC LEAGUE OF BALTIMORE CITY;~~

1 ~~(H) THE BALTIMORE POLICE DEPARTMENT FOR~~  
2 ~~EQUIPMENT AND EXPENDITURES; AND~~

3 ~~(H) THE BALTIMORE CITY GENERAL FUND.~~

4 ~~(3)~~ (2) AT ANY TIME WITHIN 3 YEARS AFTER THE DATE OF A  
5 SALE UNDER THIS SECTION, A PERSON WHO SUBMITS SATISFACTORY PROOF OF  
6 THE RIGHT TO POSSESSION OF THE PROPERTY SHALL BE PAID, WITHOUT  
7 INTEREST, THE AMOUNT DISTRIBUTED TO:

8 ~~(I)~~ THE GENERAL FUND OF THE COUNTY OR MUNICIPAL  
9 CORPORATION UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION; ~~OR~~

10 ~~(H) THE BALTIMORE CITY GENERAL FUND UNDER~~  
11 ~~PARAGRAPH (2)(III) OF THIS SUBSECTION.~~

12 ~~(4)~~ (3) A CLAIM UNDER PARAGRAPH ~~(3)~~ (2) OF THIS  
13 SUBSECTION IS BARRED IF MORE THAN 3 YEARS HAS PASSED SINCE THE DATE  
14 OF A SALE UNDER THIS SECTION.

15 (H) THIS SECTION DOES NOT CREATE OR RECOGNIZE ANY CAUSE,  
16 ACTION, OR DEFENSE OR ABRIDGE ANY IMMUNITY NOW OR IN THE FUTURE  
17 HELD BY A LOCAL LAW ENFORCEMENT AGENCY OR AN EMPLOYEE OF A LOCAL  
18 LAW ENFORCEMENT AGENCY.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2007.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.