

HOUSE BILL 1067

E4

71r2371
CF SB 662

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

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

A BILL ENTITLED

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; establishing a procedure for local law enforcement agencies to notify the
6 owner of the property and for the owner of the property to secure the release of
7 the property in a certain manner within a certain period of time; authorizing a
8 local law enforcement agency to sell certain personal property in a certain
9 manner after a certain period of time; establishing that the amount received
10 from the sale of personal property shall be distributed in a certain order of
11 priority to certain entities; requiring that a certain remaining amount from the
12 sale of personal property that was in the possession of the Baltimore Police
13 Department be divided equally among certain entities; providing that a person
14 who submits certain proof of the right to possession of the property shall be paid
15 a certain amount under certain circumstances; providing that a certain claim is
16 barred after a certain period of time; providing for the interpretation of this Act;
17 defining a certain term; and generally relating to the disposal of personal
18 property in the possession of local law enforcement agencies.

19 BY adding to

20 Article - Public Safety

21 Section 3-505

22 Annotated Code of Maryland

23 (2003 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 **3-505.**

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

8 (B) THIS SECTION DOES NOT APPLY TO PERSONAL PROPERTY
9 PURCHASED OR OTHERWISE ACQUIRED FOR USE BY A LOCAL LAW
10 ENFORCEMENT AGENCY OR TO CONTRABAND.

11 (C) THE LOCAL LAW ENFORCEMENT AGENCY SHALL HOLD PERSONAL
12 PROPERTY THAT COMES INTO THE POSSESSION OF THE LOCAL LAW
13 ENFORCEMENT AGENCY UNTIL THE LOCAL LAW ENFORCEMENT AGENCY
14 DETERMINES THAT:

15 (1) THE PROPERTY IS NO LONGER NEEDED IN CONNECTION WITH
16 A PROSECUTION; OR

17 (2) IF THE PROPERTY IS NOT CONNECTED TO A PROSECUTION,
18 RETENTION OF THE PROPERTY IS NO LONGER RELEVANT TO THE LOCAL LAW
19 ENFORCEMENT AGENCY.

20 (D) (1) AFTER A LOCAL LAW ENFORCEMENT AGENCY DETERMINES
21 THAT PERSONAL PROPERTY IS NO LONGER NEEDED IN CONNECTION WITH A
22 PROSECUTION OR RETENTION OF THE PROPERTY IS NO LONGER RELEVANT TO
23 THE LOCAL LAW ENFORCEMENT AGENCY, THE LOCAL LAW ENFORCEMENT
24 AGENCY SHALL NOTIFY THE OWNER OF THE PROPERTY THAT THE LOCAL LAW
25 ENFORCEMENT AGENCY IS IN POSSESSION OF THE PROPERTY.

26 (2) AFTER NOTIFICATION, THE OWNER OF THE PROPERTY HAS UP
27 TO 30 DAYS TO SECURE THE IMMEDIATE RELEASE OF THE PROPERTY TO THE
28 OWNER OR THE OWNER’S DESIGNEE WITH PROPER IDENTIFICATION.

1 **(E) (1) AT ANY TIME AFTER PERSONAL PROPERTY HAS BEEN IN THE**
2 **POSSESSION OF A LOCAL LAW ENFORCEMENT AGENCY FOR 3 MONTHS AND THE**
3 **LOCAL LAW ENFORCEMENT AGENCY DETERMINES THAT THE PROPERTY IS NO**
4 **LONGER NEEDED IN CONNECTION WITH A PROSECUTION OR RETENTION OF THE**
5 **PROPERTY IS NO LONGER RELEVANT TO THE LOCAL LAW ENFORCEMENT**
6 **AGENCY, THE LOCAL LAW ENFORCEMENT AGENCY SHALL:**

7 **(I) GIVE NOTICE OF THE SALE OF THE PROPERTY BY**
8 **REGISTERED OR CERTIFIED MAIL TO THOSE PERSONS ENTITLED TO ITS**
9 **POSSESSION AND TO THOSE LIENHOLDERS WHOSE NAMES AND ADDRESSES CAN**
10 **BE ASCERTAINED BY THE EXERCISE OF REASONABLE DILIGENCE; AND**

11 **(II) PUBLISH A DESCRIPTION OF THE PROPERTY AND THE**
12 **TIME, PLACE, AND TERMS OF THE SALE OF THE PROPERTY IN A NEWSPAPER OF**
13 **GENERAL CIRCULATION IN THE COUNTY OR MUNICIPAL CORPORATION IN EACH**
14 **OF TWO SUCCESSIVE WEEKS.**

15 **(2) AFTER COMPLYING WITH THE REQUIREMENTS OF**
16 **PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL LAW ENFORCEMENT AGENCY**
17 **MAY SELL THE PROPERTY AT PUBLIC AUCTION.**

18 **(3) THE TERMS AND MANNER OF SALE MAY BE ESTABLISHED BY**
19 **RULE.**

20 **(F) THE CERTIFICATE OF THE LOCAL LAW ENFORCEMENT AGENCY**
21 **THAT PERSONAL PROPERTY HAS BEEN SOLD UNDER THIS SECTION IS**
22 **SUFFICIENT EVIDENCE OF TITLE TO THE PROPERTY FOR ALL PURPOSES,**
23 **INCLUDING THE RIGHT TO OBTAIN A CERTIFICATE OF TITLE OR REGISTRATION**
24 **FROM AN APPROPRIATE UNIT OF THE STATE.**

25 **(G) (1) THE AMOUNT RECEIVED FROM THE SALE OF PERSONAL**
26 **PROPERTY IN ACCORDANCE WITH THIS SECTION SHALL BE DISTRIBUTED IN THE**
27 **FOLLOWING ORDER OF PRIORITY:**

28 **(I) FIRST, TO THE LOCAL LAW ENFORCEMENT AGENCY IN**
29 **AN AMOUNT EQUAL TO THE EXPENSE OF SALE AND ALL EXPENSES INCURRED**
30 **WHILE THE PROPERTY WAS IN THE POSSESSION OF THE LOCAL LAW**
31 **ENFORCEMENT AGENCY;**

1 (II) SECOND, TO LIENHOLDERS IN ORDER OF THEIR
2 PRIORITY; AND

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

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

10 (I) THE POLICE ATHLETIC LEAGUE OF BALTIMORE CITY;

11 (II) THE BALTIMORE POLICE DEPARTMENT FOR
12 EQUIPMENT EXPENDITURES; AND

13 (III) THE BALTIMORE CITY GENERAL FUND.

14 (3) AT ANY TIME WITHIN 3 YEARS AFTER THE DATE OF A SALE
15 UNDER THIS SECTION, A PERSON WHO SUBMITS SATISFACTORY PROOF OF THE
16 RIGHT TO POSSESSION OF THE PROPERTY SHALL BE PAID, WITHOUT INTEREST,
17 THE AMOUNT DISTRIBUTED TO:

18 (I) THE GENERAL FUND OF THE COUNTY OR MUNICIPAL
19 CORPORATION UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION; OR

20 (II) THE BALTIMORE CITY GENERAL FUND UNDER
21 PARAGRAPH (2)(III) OF THIS SUBSECTION.

22 (4) A CLAIM UNDER PARAGRAPH (3) OF THIS SUBSECTION IS
23 BARRED IF MORE THAN 3 YEARS HAS PASSED SINCE THE DATE OF A SALE UNDER
24 THIS SECTION.

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

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