

# HOUSE BILL 1067

E4

71r2371  
CF SB 662

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

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

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### 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.



1 BY adding to  
 2 Article – Public Safety  
 3 Section 3–505  
 4 Annotated Code of Maryland  
 5 (2003 Volume and 2006 Supplement)

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

8 **Article – Public Safety**

9 **3–505.**

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

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

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

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

22 (C) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
 23 SUBSECTION, THE LOCAL LAW ENFORCEMENT AGENCY SHALL HOLD PERSONAL  
 24 PROPERTY THAT COMES INTO THE POSSESSION OF THE LOCAL LAW  
 25 ENFORCEMENT AGENCY UNTIL THE LOCAL LAW ENFORCEMENT AGENCY  
 26 DETERMINES THAT:

27 ~~(1)~~ (1) THE PROPERTY IS NO LONGER NEEDED IN CONNECTION  
 28 WITH A PROSECUTION; OR

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

4           **(2) PERSONAL PROPERTY THAT IS USED AS EVIDENCE IN A**  
5 **CRIMINAL PROSECUTION SHALL BE RETAINED BY A LOCAL LAW ENFORCEMENT**  
6 **AGENCY IN THE SAME MANNER AS OTHER EVIDENCE RETAINED BY THE AGENCY.**

7           **(D) (1) AFTER A LOCAL LAW ENFORCEMENT AGENCY DETERMINES**  
8 **THAT PERSONAL PROPERTY IS NO LONGER NEEDED IN CONNECTION WITH A**  
9 **PROSECUTION OR RETENTION OF THE PROPERTY IS NO LONGER RELEVANT TO**  
10 **THE LOCAL LAW ENFORCEMENT AGENCY, THE LOCAL LAW ENFORCEMENT**  
11 **AGENCY SHALL NOTIFY THE OWNER OF THE PROPERTY THAT THE LOCAL LAW**  
12 **ENFORCEMENT AGENCY IS IN POSSESSION OF THE PROPERTY.**

13           **(2) AFTER NOTIFICATION, THE OWNER OF THE PROPERTY HAS UP**  
14 **TO 30 DAYS TO SECURE THE IMMEDIATE RELEASE OF THE PROPERTY TO THE**  
15 **OWNER OR THE OWNER'S DESIGNEE WITH PROPER IDENTIFICATION.**

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

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

26                   **(II) PUBLISH A DESCRIPTION OF THE PROPERTY AND THE**  
27 **TIME, PLACE, AND TERMS OF THE SALE OF THE PROPERTY IN A NEWSPAPER OF**  
28 **GENERAL CIRCULATION IN THE COUNTY OR MUNICIPAL CORPORATION IN EACH**  
29 **OF TWO SUCCESSIVE WEEKS.**

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

1                   (3) THE TERMS AND MANNER OF SALE MAY BE ESTABLISHED BY  
2 RULE.

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

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

11                               (I) FIRST, TO THE LOCAL LAW ENFORCEMENT AGENCY IN  
12 AN AMOUNT EQUAL TO THE EXPENSE OF SALE AND ALL EXPENSES INCURRED  
13 WHILE THE PROPERTY WAS IN THE POSSESSION OF THE LOCAL LAW  
14 ENFORCEMENT AGENCY;

15                               (II) SECOND, TO LIENHOLDERS IN ORDER OF THEIR  
16 PRIORITY; AND

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

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

24                               ~~(I) THE POLICE ATHLETIC LEAGUE OF BALTIMORE CITY;~~

25                               ~~(II) THE BALTIMORE POLICE DEPARTMENT FOR~~  
26 ~~EQUIPMENT EXPENDITURES; AND~~

27                               ~~(III) THE BALTIMORE CITY GENERAL FUND.~~

28                   ~~(3)~~ (2) AT ANY TIME WITHIN 3 YEARS AFTER THE DATE OF A SALE  
29 UNDER THIS SECTION, A PERSON WHO SUBMITS SATISFACTORY PROOF OF THE

1 RIGHT TO POSSESSION OF THE PROPERTY SHALL BE PAID, WITHOUT INTEREST,  
2 THE AMOUNT DISTRIBUTED TO:

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

5 ~~(II) THE BALTIMORE CITY GENERAL FUND UNDER~~  
6 ~~PARAGRAPH (2)(III) OF THIS SUBSECTION.~~

7 ~~(4)~~ (3) A CLAIM UNDER PARAGRAPH ~~(3)~~ (2) OF THIS SUBSECTION IS  
8 BARRED IF MORE THAN 3 YEARS HAS PASSED SINCE THE DATE OF A SALE UNDER  
9 THIS SECTION.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.