

SENATE BILL 662

E4

(7lr2343)

ENROLLED BILL

— *Judicial Proceedings / Judiciary* —

Introduced by **Senators McFadden and Gladden (By Request – Baltimore City Administration)**

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.

President.

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

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

10 BY adding to

11 Article – Public Safety

12 Section 3–505

13 Annotated Code of Maryland

14 (2003 Volume and 2006 Supplement)

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

17 **Article – Public Safety**

18 **3–505.**

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

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

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

28 (3) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS FOR
29 SEIZURE AND FORFEITURE CONTAINED IN TITLES 12 AND 13 OF THE CRIMINAL
30 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 WITH
7 A PROSECUTION; OR

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

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

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

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

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

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

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

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

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

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

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

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

~~(HH) THE BALTIMORE CITY GENERAL FUND.~~

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.