

# SENATE BILL 662

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CF 7lr2371

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

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

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## 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)

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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.