

# SENATE BILL 974

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – State Police)**

Introduced and read first time: March 1, 2007

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police – Disposal of Property – Holding Period**

3 FOR the purpose of altering the period of time that certain property is required to be  
4 in the possession of the Department of State Police before the Department is  
5 required to give certain notice of the sale of the property to certain persons and  
6 certain lienholders; and generally relating to the disposal of property by the  
7 Department of State Police.

8 BY repealing and reenacting, with amendments,  
9 Article – Public Safety  
10 Section 2–311  
11 Annotated Code of Maryland  
12 (2003 Volume and 2006 Supplement)

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

15 **Article – Public Safety**

16 2–311.

17 (a) This section does not apply to personal property purchased or otherwise  
18 acquired for use by the Department or to contraband.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (b)    The Department shall hold personal property that comes into the  
2 possession of the Department until the Department determines that the property is no  
3 longer needed in connection with a prosecution.

4           (c)    After the Department determines that personal property is no longer  
5 needed in connection with a prosecution, the Department shall deliver the property to  
6 the person who satisfactorily establishes the right to possession of the property and  
7 gives a proper receipt for the property.

8           (d)    (1)   At any time after personal property has been in the possession of  
9 the Department for [6] **3** months and the Department determines that the property is  
10 no longer needed in connection with a prosecution, the Department shall:

11                   (i)   give notice of the sale of the property by registered or  
12 certified mail to those persons entitled to its possession and to those lienholders whose  
13 names and addresses can be ascertained by the exercise of reasonable diligence; and

14                   (ii)   publish a description of the property and the time, place,  
15 and terms of the sale of the property in a newspaper of general circulation in  
16 Baltimore City in each of two successive weeks.

17                   (2)   After complying with the requirements of paragraph (1) of this  
18 subsection, the Department may sell the property at public auction.

19                   (3)   The terms and manner of sale may be established by rule.

20           (e)    The certificate of the Department that personal property has been sold  
21 under this section is sufficient evidence of title to the property for all purposes,  
22 including the right to obtain a certificate of title or registration from an appropriate  
23 unit of the State.

24           (f)    (1)   The amount received from the sale of personal property in  
25 accordance with this section shall be distributed in the following order of priority:

26                   (i)   first, to the Department in an amount equal to the expense  
27 of sale and all expenses incurred while the property was in the possession of the  
28 Department;

29                   (ii)   second, to lienholders in order of their priority; and

30                   (iii)   third, to the General Fund subject to paragraphs (2) and (3)  
31 of this subsection.

1           (2)    At any time within 3 years after the date of a sale under this  
2 section, a person who submits satisfactory proof of the right to possession of the  
3 property shall be paid, without interest, the amount distributed to the General Fund  
4 under paragraph (1)(iii) of this subsection.

5           (3)    A claim under paragraph (2) of this subsection is barred if more  
6 than 3 years has passed since the date of a sale under this section.

7           (g)    This section does not create or recognize any cause, action, or defense or  
8 abridge any immunity now or in the future held by the Department, the Secretary, or  
9 an employee of the Department.

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