

SENATE BILL 974

E4

7lr0118

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

Introduced and read first time: March 1, 2007

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 2, 2007

Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2007

CHAPTER _____

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**

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 2-311.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.