

HOUSE BILL 254

M2

9lr1564

By: **Delegates Sossi, Beitzel, and Walkup**

Introduced and read first time: January 29, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Citations – Seizure of Equipment**

3 FOR the purpose of authorizing a Natural Resources police officer or any law
4 enforcement officer to seize certain equipment on the issuance of a certain
5 citation under certain circumstances; and generally relating to the seizure of
6 equipment for violations of natural resources laws.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 10–1106
10 Annotated Code of Maryland
11 (2007 Replacement Volume and 2008 Supplement)

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

14 **Article – Natural Resources**

15 10–1106.

16 (a) A Natural Resources police officer or any law enforcement officer, upon
17 **ISSUING A CITATION TO OR** arresting any person for violating any provision of this
18 title or any regulation adopted pursuant to this title, may seize any device, equipment,
19 conveyance, or property unlawfully used. If the owner or person in charge of the seized
20 device, equipment, conveyance, or property is convicted, the court may declare the
21 device, equipment, conveyance, or property forfeited, in addition to any other penalty
22 provided in this title. Any forfeiture becomes the property of the Department for
23 disposition at the Department's discretion. If the owner is not known, the court may
24 proceed ex parte to hear and determine any question of forfeiture. If the owner or
25 person charged with the violation is not convicted, the device, equipment, conveyance,
26 or property seized shall be released and returned to the owner or person.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The device, conveyance, or property may not be forfeited if the owner was
2 not a consenting party or privy to a violation.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.