

# HOUSE BILL 1467

P3

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

Introduced and read first time: March 2, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police – Online Sale of Personal Property**

3 FOR the purpose of authorizing the Department of State Police to dispose of certain  
4 property by Internet auctions; altering certain notice requirements; requiring  
5 the Department to display on the Department's website certain vendor  
6 information; and generally relating to the Department of State Police and  
7 disposal of personal property.

8 BY repealing and reenacting, with amendments,  
9 Article – Public Safety  
10 Section 2–311  
11 Annotated Code of Maryland  
12 (2003 Volume and 2008 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) (1) This section does not apply to personal property purchased or  
18 otherwise acquired for use by the Department or to contraband.

19 (2) This section does not apply to personal property retained by the  
20 Department for use as evidence in a criminal prosecution.

21 (3) This section does not supersede the provisions for seizure and  
22 forfeiture contained in Titles 12 and 13 of the Criminal Procedure Article.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Except as provided in paragraph (2) of this subsection, the  
2 Department shall hold personal property that comes into the possession of the  
3 Department until the Department determines that the property is no longer needed in  
4 connection with a prosecution.

5 (2) Personal property that is used as evidence in a criminal  
6 prosecution shall be retained by the Department in the same manner as other  
7 evidence retained by the Department.

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

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

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

18 (ii) **1.** publish a description of the property and the time,  
19 place, and terms of the sale of the property in a newspaper of general circulation in  
20 Baltimore City in each of two successive weeks; **OR**

21 **2. WHEN USING AN INTERNET AUCTION SERVICE,**  
22 **PROVIDE INFORMATION ON THE DEPARTMENT'S OFFICIAL WEBSITE THAT**  
23 **IDENTIFIES THE NAME AND WEBSITE OF THE VENDOR APPROVED TO ACT AS THE**  
24 **DEPARTMENT'S AUCTIONING AGENT, WHERE INTERESTED PERSONS CAN**  
25 **ACCESS A DESCRIPTION OF THE PROPERTY AND TERMS OF THE SALE.**

26 (2) After complying with the requirements of paragraph (1) of this  
27 subsection, the Department may sell the property at public auction **OR ON THE**  
28 **INTERNET UTILIZING AN APPROVED VENDOR THAT CONDUCTS ELECTRONIC**  
29 **AUCTIONS OF PROPERTY.**

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

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

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

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

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

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

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

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

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

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