

HOUSE BILL 713

E2, E1
HB 391/12 – JUD

3lr1982

By: **Delegates Dumais, Frick, Afzali, Anderson, Arora, Aumann, Barkley, Barve, Bates, Beidle, Bobo, Branch, Bromwell, Cardin, Carr, Carter, Clippinger, Cluster, Conaway, Cullison, Eckardt, Feldman, Frush, Gilchrist, Glass, Glenn, Gutierrez, Guzzone, Haddaway–Ricchio, Haynes, Healey, Hixson, Hough, Hucker, Impallaria, Jameson, Jones, Kaiser, A. Kelly, Kramer, Krebs, Lafferty, Lee, Love, Luedtke, Malone, McComas, McConkey, McDermott, McDonough, McHale, McIntosh, A. Miller, W. Miller, Mitchell, Mizeur, Morhaim, Murphy, Myers, Nathan–Pulliam, Olszewski, Parrott, Pendergrass, Ready, Reznik, B. Robinson, S. Robinson, Rudolph, Serafini, Sophocleus, Stein, Stukes, Szeliga, Tarrant, F. Turner, Valderrama, Valentino–Smith, Waldstreicher, M. Washington, and Zucker**

Introduced and read first time: February 4, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Seizure and Forfeiture – Property Used in Human**
3 **Trafficking**

4 FOR the purpose of authorizing a State or local law enforcement agency, on process
5 issued by a court of competent jurisdiction, to seize certain property used or
6 intended for use in connection with a violation of certain criminal statutes;
7 creating an Anti–Human–Trafficking Fund to be administered by the Executive
8 Director of the Governor’s Office of Crime Control and Prevention; specifying
9 the revenue sources for the Fund; providing for certain disbursements from the
10 Fund for certain purposes; specifying certain property that is subject to
11 forfeiture; specifying certain conditions to exclude property from forfeiture;
12 authorizing the seizure of certain property with or without a warrant under
13 certain circumstances; requiring the seizing authority that seizes money to take
14 certain actions; specifying certain standards and exceptions regarding the
15 seizure of motor vehicles; requiring a certain law enforcement officer to
16 recommend that a motor vehicle be forfeited under certain circumstances;
17 requiring that a forfeiting authority surrender a motor vehicle on request to the
18 owner under certain circumstances; specifying conditions under which an owner
19 may obtain possession of seized property; specifying the time when seizure of
20 real property occurs; authorizing an owner or owner’s tenant to remain in

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 possession of seized real property under certain circumstances; prohibiting an
 2 owner of certain real property from taking certain actions; specifying certain
 3 procedures for the conduct of forfeiture proceedings, including the filing of
 4 complaints and answers, posting and publishing of notice, and conducting
 5 hearings for real property and other property; specifying certain restrictions on
 6 forfeiture proceedings on property used as the principal family residence;
 7 specifying certain powers of a court in a certain forfeiture proceeding; requiring
 8 a court to issue a certain order after a full hearing under certain circumstances;
 9 authorizing the governing body where the property was seized to take certain
 10 actions; requiring certain proceeds to be used for certain expenses; requiring
 11 that certain proceeds of the sale of forfeited property be distributed to the Fund
 12 for a certain purpose; specifying the terms of sale of forfeited property;
 13 specifying the law governing the sale of certain collateral; requiring certain
 14 proceeds from the sale of certain property to be distributed in a certain manner;
 15 requiring lienholders to take certain actions before exercising the right to sell
 16 certain property and after the redemption of certain property; specifying the
 17 effect of this Act; defining certain terms; providing for the application of this
 18 Act; and generally relating to seizure and forfeiture of property used in
 19 connection with human trafficking.

20 BY repealing and reenacting, without amendments,
 21 Article – Criminal Procedure
 22 Section 11–910(d)
 23 Annotated Code of Maryland
 24 (2008 Replacement Volume and 2012 Supplement)

25 BY adding to
 26 Article – Criminal Procedure
 27 Section 11–920; and 13–501 through 13–536 to be under the new subtitle
 28 “Subtitle 5. Violations of the Human Trafficking Law”
 29 Annotated Code of Maryland
 30 (2008 Replacement Volume and 2012 Supplement)

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

33 **Article – Criminal Procedure**

34 11–910.

35 (d) “Executive Director” means the Executive Director of the Governor’s
 36 Office of Crime Control and Prevention.

37 **11–920.**

38 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 39 MEANINGS INDICATED.

1 (2) “FUND” MEANS THE ANTI-HUMAN-TRAFFICKING FUND.

2 (3) “HUMAN TRAFFICKING” MEANS ANY VIOLATION OF § 3-324, §
3 11-207, § 11-303, § 11-304, OR § 11-305 OF THE CRIMINAL LAW ARTICLE.

4 (B) THERE IS AN ANTI-HUMAN-TRAFFICKING FUND.

5 (C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO:

6 (1) AID VICTIMS OF HUMAN TRAFFICKING; AND

7 (2) ASSIST LAW ENFORCEMENT, NONPROFIT ORGANIZATIONS,
8 AND GOVERNMENT AGENCIES THAT ENGAGE IN ACTIVITIES TO COMBAT HUMAN
9 TRAFFICKING.

10 (D) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

11 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
12 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

13 (2) THE STATE TREASURER SHALL HOLD THE FUND
14 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

15 (F) THE FUND CONSISTS OF:

16 (1) REVENUE DISTRIBUTED TO THE FUND UNDER TITLE 13,
17 SUBTITLE 5 OF THIS ARTICLE;

18 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
19 AND

20 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
21 THE BENEFIT OF THE FUND.

22 (G) (1) AT LEAST 50% OF THE MONEY IN THE FUND SHALL BE GIVEN
23 TO NONPROFIT ORGANIZATIONS AND GOVERNMENT AGENCIES THAT PROVIDE
24 DIRECT SERVICES TO VICTIMS OF HUMAN TRAFFICKING.

25 (2) AFTER THE DISTRIBUTION UNDER PARAGRAPH (1) OF THIS
26 SUBSECTION, THE BALANCE OF THE MONEY IN THE FUND SHALL BE GIVEN TO:

1 **(I) NONPROFIT ORGANIZATIONS AND GOVERNMENT**
2 **AGENCIES THAT CONDUCT PROGRAMS FOR THE PREVENTION OF HUMAN**
3 **TRAFFICKING;**

4 **(II) NONPROFIT ORGANIZATIONS AND GOVERNMENT**
5 **AGENCIES THAT CONDUCT EDUCATION, TRAINING, OR PUBLIC OUTREACH**
6 **PROGRAMS ABOUT HUMAN TRAFFICKING; OR**

7 **(III) LAW ENFORCEMENT ORGANIZATIONS THAT RESPOND**
8 **TO AND INVESTIGATE HUMAN TRAFFICKING VIOLATIONS.**

9 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
10 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

11 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
12 **CREDITED TO THE GENERAL FUND OF THE STATE.**

13 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
14 **ACCORDANCE WITH THE STATE BUDGET.**

15 **(J) MONEY EXPENDED FROM THE FUND FOR VICTIMS OF HUMAN**
16 **TRAFFICKING AND TO FINANCE ACTIVITIES THAT COMBAT HUMAN TRAFFICKING**
17 **IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING**
18 **THAT OTHERWISE WOULD BE APPROPRIATED FOR VICTIMS OF HUMAN**
19 **TRAFFICKING OR ACTIVITIES THAT COMBAT HUMAN TRAFFICKING.**

20 **SUBTITLE 5. VIOLATIONS OF THE HUMAN TRAFFICKING LAW.**

21 **13-501.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 **(B) “CHIEF EXECUTIVE OFFICER” MEANS:**

25 **(1) FOR BALTIMORE CITY, THE MAYOR;**

26 **(2) FOR A CHARTER COUNTY, THE COUNTY EXECUTIVE OR, IF**
27 **THERE IS NO COUNTY EXECUTIVE, THE COUNTY COUNCIL;**

28 **(3) FOR A CODE COUNTY, THE COUNTY COMMISSIONERS;**

29 **(4) FOR A COMMISSION COUNTY, THE COUNTY COMMISSIONERS;**

30 **OR**

1 **(5) FOR A MUNICIPAL CORPORATION, THE LEGISLATIVE BODY**
2 **ESTABLISHED BY MUNICIPAL CHARTER.**

3 **(C) “CONVICTED” MEANS FOUND GUILTY.**

4 **(D) “FINAL DISPOSITION” MEANS DISMISSAL, ENTRY OF A NOLLE**
5 **PROSEQUI, MARKING OF A CRIMINAL CHARGE “STET” ON THE DOCKET, ENTRY**
6 **OF A NOT GUILTY VERDICT, PRONOUNCEMENT OF SENTENCE, OR IMPOSITION**
7 **OF PROBATION UNDER § 6-220 OF THIS ARTICLE.**

8 **(E) “FORFEITING AUTHORITY” MEANS:**

9 **(1) THE UNIT OR PERSON DESIGNATED BY AGREEMENT BETWEEN**
10 **THE STATE’S ATTORNEY FOR A COUNTY AND THE CHIEF EXECUTIVE OFFICER**
11 **OF THE GOVERNING BODY HAVING JURISDICTION OVER ASSETS SUBJECT TO**
12 **FORFEITURE TO ACT ON BEHALF OF THE GOVERNING BODY REGARDING THOSE**
13 **ASSETS; OR**

14 **(2) IF THE SEIZING AUTHORITY IS A UNIT OF THE STATE, A UNIT**
15 **OR PERSON THAT THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S**
16 **DESIGNEE DESIGNATES BY AGREEMENT WITH A STATE’S ATTORNEY, COUNTY**
17 **ATTORNEY, OR MUNICIPAL ATTORNEY TO ACT ON BEHALF OF THE STATE**
18 **REGARDING ASSETS SUBJECT TO FORFEITURE BY THE STATE.**

19 **(F) “GOVERNING BODY” INCLUDES:**

20 **(1) THE STATE, IF THE SEIZING AUTHORITY IS A UNIT OF THE**
21 **STATE;**

22 **(2) A COUNTY, IF THE SEIZING AUTHORITY IS A UNIT OF A**
23 **COUNTY;**

24 **(3) A MUNICIPAL CORPORATION, IF THE SEIZING AUTHORITY IS A**
25 **UNIT OF A MUNICIPALITY; AND**

26 **(4) BALTIMORE CITY, IF THE SEIZING AUTHORITY IS THE**
27 **BALTIMORE POLICE DEPARTMENT.**

28 **(G) “HUMAN TRAFFICKING LAW” MEANS § 3-324, § 11-207, § 11-303, §**
29 **11-304, AND § 11-305 OF THE CRIMINAL LAW ARTICLE.**

30 **(H) “LIEN” INCLUDES A MORTGAGE, A DEED OF TRUST, A PLEDGE, A**
31 **SECURITY INTEREST, AN ENCUMBRANCE, AND A RIGHT OF SETOFF.**

1 **(I) “LIENHOLDER” MEANS A PERSON WHO HAS A LIEN OR A SECURED**
2 **INTEREST ON PROPERTY CREATED BEFORE THE SEIZURE.**

3 **(J) “LOCAL FINANCIAL AUTHORITY” MEANS:**

4 **(1) IF THE SEIZING AUTHORITY IS A UNIT OF A COUNTY, THE**
5 **TREASURER OR DIRECTOR OF FINANCE OF THE COUNTY; OR**

6 **(2) IF THE SEIZING AUTHORITY IS A UNIT OF A MUNICIPAL**
7 **CORPORATION, THE TREASURER OR DIRECTOR OF FINANCE OF THE MUNICIPAL**
8 **CORPORATION.**

9 **(K) (1) “OWNER” MEANS A PERSON HAVING A LEGAL, EQUITABLE, OR**
10 **POSSESSORY INTEREST IN PROPERTY.**

11 **(2) “OWNER” INCLUDES:**

12 **(I) A CO-OWNER;**

13 **(II) A LIFE TENANT;**

14 **(III) A REMAINDERMAN TO A LIFE TENANCY IN REAL**
15 **PROPERTY;**

16 **(IV) A HOLDER OF AN INCHOATE INTEREST IN REAL**
17 **PROPERTY; AND**

18 **(V) A BONA FIDE PURCHASER FOR VALUE.**

19 **(L) (1) “PROPERTY” INCLUDES:**

20 **(I) REAL PROPERTY AND ANYTHING GROWING ON OR**
21 **ATTACHED TO REAL PROPERTY;**

22 **(II) TANGIBLE AND INTANGIBLE PERSONAL PROPERTY,**
23 **INCLUDING:**

24 **1. SECURITIES;**

25 **2. NEGOTIABLE AND NONNEGOTIABLE**
26 **INSTRUMENTS;**

27 **3. VEHICLES AND CONVEYANCES OF ANY TYPE;**

1 4. PRIVILEGES;

2 5. INTERESTS;

3 6. CLAIMS; AND

4 7. RIGHTS;

5 (III) AN ITEM, AN OBJECT, A TOOL, A SUBSTANCE, A DEVICE,
6 OR A WEAPON USED IN CONNECTION WITH A VIOLATION OF THE HUMAN
7 TRAFFICKING LAW; AND

8 (IV) MONEY.

9 (2) “PROPERTY” DOES NOT INCLUDE:

10 (I) AN ITEM UNLAWFULLY IN THE POSSESSION OF A
11 PERSON OTHER THAN THE OWNER WHEN USED IN CONNECTION WITH A
12 VIOLATION OF THE HUMAN TRAFFICKING LAW; OR

13 (II) A LESSOR’S INTEREST IN PROPERTY SUBJECT TO A
14 BONA FIDE LEASE, UNLESS THE FORFEITING AUTHORITY CAN SHOW THAT THE
15 LESSOR PARTICIPATED IN A VIOLATION OF THE HUMAN TRAFFICKING LAW OR
16 THAT THE PROPERTY WAS THE PROCEEDS OF A VIOLATION OF THE HUMAN
17 TRAFFICKING LAW.

18 (M) (1) “REAL PROPERTY” MEANS LAND OR AN IMPROVEMENT TO
19 LAND.

20 (2) “REAL PROPERTY” INCLUDES:

21 (I) A LEASEHOLD OR ANY OTHER LIMITED INTEREST IN
22 PROPERTY;

23 (II) AN EASEMENT; AND

24 (III) A REVERSIONARY INTEREST IN A 99-YEAR GROUND
25 LEASE RENEWABLE FOREVER.

26 (N) “SEIZING AUTHORITY” MEANS A LAW ENFORCEMENT UNIT IN THE
27 STATE THAT IS AUTHORIZED TO INVESTIGATE VIOLATIONS OF THE HUMAN
28 TRAFFICKING LAW AND THAT HAS SEIZED PROPERTY UNDER THIS SUBTITLE.

29 13-502.

1 **THE FOLLOWING ARE SUBJECT TO FORFEITURE:**

2 **(1) EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE,**
3 **CONVEYANCES, INCLUDING AIRCRAFT, VEHICLES, OR VESSELS USED OR**
4 **INTENDED TO BE USED IN CONNECTION WITH A VIOLATION OF THE HUMAN**
5 **TRAFFICKING LAW;**

6 **(2) BOOKS, RECORDS, TELECOMMUNICATION EQUIPMENT, OR**
7 **COMPUTERS USED OR INTENDED TO BE USED IN CONNECTION WITH A**
8 **VIOLATION OF THE HUMAN TRAFFICKING LAW;**

9 **(3) MONEY OR WEAPONS USED OR INTENDED TO BE USED IN**
10 **CONNECTION WITH A VIOLATION OF THE HUMAN TRAFFICKING LAW;**

11 **(4) EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE, REAL**
12 **PROPERTY USED OR INTENDED TO BE USED IN CONNECTION WITH A VIOLATION**
13 **OF THE HUMAN TRAFFICKING LAW; AND**

14 **(5) EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE,**
15 **EVERYTHING OF VALUE FURNISHED OR INTENDED TO BE FURNISHED IN**
16 **EXCHANGE FOR AN ACT IN VIOLATION OF THE HUMAN TRAFFICKING LAW, ALL**
17 **PROCEEDS TRACEABLE TO THE EXCHANGE, AND ALL NEGOTIABLE**
18 **INSTRUMENTS AND SECURITIES USED OR INTENDED TO BE USED TO FACILITATE**
19 **A VIOLATION OF THE HUMAN TRAFFICKING LAW.**

20 **13-503.**

21 **(A) PROPERTY OR AN INTEREST IN PROPERTY DESCRIBED IN §**
22 **13-502(1), (4), OR (5) OF THIS SUBTITLE MAY NOT BE FORFEITED IF THE OWNER**
23 **ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT THE VIOLATION**
24 **OF THE HUMAN TRAFFICKING LAW WAS COMMITTED WITHOUT THE OWNER'S**
25 **ACTUAL KNOWLEDGE.**

26 **(B) (1) A CONVEYANCE USED AS A COMMON CARRIER OR VEHICLE**
27 **FOR HIRE IN THE TRANSACTION OF BUSINESS AS A COMMON CARRIER OR**
28 **VEHICLE FOR HIRE MAY NOT BE SEIZED OR FORFEITED UNDER THIS SUBTITLE**
29 **UNLESS IT APPEARS THAT THE OWNER OR OTHER PERSON IN CHARGE OF THE**
30 **CONVEYANCE WAS A CONSENTING PARTY OR PRIVY TO A VIOLATION OF THE**
31 **HUMAN TRAFFICKING LAW.**

32 **(2) A CONVEYANCE MAY NOT BE FORFEITED UNDER THIS**
33 **SUBTITLE FOR AN ACT OR OMISSION THAT THE OWNER SHOWS WAS COMMITTED**
34 **OR OMITTED BY A PERSON OTHER THAN THE OWNER WHILE THE PERSON OTHER**

1 THAN THE OWNER POSSESSED THE CONVEYANCE IN CRIMINAL VIOLATION OF
2 FEDERAL LAW OR THE LAW OF ANY STATE.

3 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
4 SUBSECTION AND SUBJECT TO SUBSECTION (D) OF THIS SECTION, REAL
5 PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE
6 FORFEITED UNDER THIS SUBTITLE UNLESS ONE OF THE OWNERS OF THE REAL
7 PROPERTY WAS CONVICTED OF A VIOLATION OF THE HUMAN TRAFFICKING LAW
8 OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING
9 LAW.

10 (2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, WITHOUT A
11 CONVICTION, A COURT MAY ORDER A FORFEITURE OF REAL PROPERTY USED AS
12 THE PRINCIPAL FAMILY RESIDENCE IF THE OWNER OF THE FAMILY RESIDENCE:

13 (I) FAILS TO APPEAR FOR A REQUIRED COURT
14 APPEARANCE; AND

15 (II) FAILS TO SURRENDER TO THE JURISDICTION OF THE
16 COURT WITHIN 180 DAYS AFTER THE REQUIRED COURT APPEARANCE.

17 (D) REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE BY A
18 HUSBAND AND WIFE AND HELD BY THE HUSBAND AND WIFE AS TENANTS BY THE
19 ENTIRETY MAY NOT BE FORFEITED UNLESS:

20 (1) THE PROPERTY WAS USED IN CONNECTION WITH A VIOLATION
21 OF THE HUMAN TRAFFICKING LAW OR WITH AN ATTEMPT OR A CONSPIRACY TO
22 VIOLATE THE HUMAN TRAFFICKING LAW; AND

23 (2) BOTH THE HUSBAND AND WIFE ARE CONVICTED OF A
24 VIOLATION OF THE HUMAN TRAFFICKING LAW OR OF AN ATTEMPT OR
25 CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING LAW.

26 13-504.

27 PROPERTY SUBJECT TO FORFEITURE UNDER THIS SUBTITLE MAY BE
28 SEIZED:

29 (1) ON A WARRANT ISSUED BY A COURT THAT HAS JURISDICTION
30 OVER THE PROPERTY; AND

31 (2) WITHOUT A WARRANT WHEN:

1 **(I) THE SEIZURE IS INCIDENT TO AN ARREST OR A SEARCH**
2 **UNDER A SEARCH WARRANT;**

3 **(II) THE SEIZURE IS INCIDENT TO AN INSPECTION UNDER**
4 **AN ADMINISTRATIVE INSPECTION WARRANT;**

5 **(III) THE PROPERTY SUBJECT TO SEIZURE HAS BEEN THE**
6 **SUBJECT OF A PRIOR JUDGMENT IN FAVOR OF THE STATE IN A CRIMINAL**
7 **INJUNCTION OR FORFEITURE PROCEEDING UNDER THIS SUBTITLE; OR**

8 **(IV) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE**
9 **PROPERTY IS DIRECTLY OR INDIRECTLY DANGEROUS TO HEALTH OR SAFETY.**

10 **13-505.**

11 **(A) A SEIZING AUTHORITY THAT SEIZES MONEY UNDER THIS SUBTITLE**
12 **IMMEDIATELY SHALL:**

13 **(1) PHOTOGRAPH THE MONEY AND RECORD THE QUANTITY OF**
14 **EACH DENOMINATION OF COIN OR CURRENCY SEIZED; AND**

15 **(2) DEPOSIT THE MONEY TO THE ACCOUNT OF THE APPROPRIATE**
16 **LOCAL FINANCIAL AUTHORITY.**

17 **(B) A PHOTOGRAPH TAKEN UNDER SUBSECTION (A) OF THIS SECTION**
18 **MAY BE SUBSTITUTED FOR MONEY AS EVIDENCE IN A CRIMINAL OR FORFEITURE**
19 **PROCEEDING.**

20 **13-506.**

21 **(A) PROPERTY SEIZED UNDER THIS SUBTITLE:**

22 **(1) IS NOT REPLEVIABLE; BUT**

23 **(2) IS IN THE CUSTODY OF THE SEIZING AUTHORITY, SUBJECT**
24 **ONLY TO THE ORDERS, JUDGMENTS, AND DECREES OF THE COURT OR THE**
25 **OFFICIAL HAVING JURISDICTION OVER THE PROPERTY.**

26 **(B) A SEIZING AUTHORITY MAY PLACE SEIZED PROPERTY UNDER SEAL**
27 **AND REMOVE THE PROPERTY TO A PLACE DESIGNATED BY THE COURT.**

28 **13-507.**

1 **(A) A SEIZING AUTHORITY SHALL SEIZE A MOTOR VEHICLE USED IN**
2 **VIOLATION OF THE HUMAN TRAFFICKING LAW AND RECOMMEND FORFEITURE**
3 **TO THE FORFEITING AUTHORITY IF THE TOTAL CIRCUMSTANCES OF THE CASE**
4 **AS LISTED IN SUBSECTION (B) OF THIS SECTION DICTATE THAT SEIZURE AND**
5 **FORFEITURE ARE JUSTIFIED.**

6 **(B) CIRCUMSTANCES TO BE CONSIDERED IN DECIDING WHETHER**
7 **SEIZURE AND FORFEITURE ARE JUSTIFIED INCLUDE:**

8 **(1) AN EXTENSIVE CRIMINAL RECORD OF THE VIOLATOR;**

9 **(2) A PREVIOUS CONVICTION OF THE VIOLATOR FOR AN OFFENSE**
10 **THAT IS PART OF THE HUMAN TRAFFICKING LAW;**

11 **(3) EVIDENCE THAT THE MOTOR VEHICLE WAS ACQUIRED BY USE**
12 **OF PROCEEDS FROM A TRANSACTION INVOLVING A HUMAN TRAFFICKING**
13 **CRIME;**

14 **(4) THE CIRCUMSTANCES OF THE ARREST; AND**

15 **(5) THE WAY IN WHICH THE MOTOR VEHICLE WAS USED.**

16 **13-508.**

17 **(A) THE CHIEF LAW ENFORCEMENT OFFICER OF THE SEIZING**
18 **AUTHORITY THAT SEIZES A MOTOR VEHICLE USED IN VIOLATION OF THE HUMAN**
19 **TRAFFICKING LAW SHALL RECOMMEND TO THE APPROPRIATE FORFEITING**
20 **AUTHORITY IN WRITING THAT THE MOTOR VEHICLE BE FORFEITED ONLY IF THE**
21 **OFFICER:**

22 **(1) DETERMINES FROM THE RECORDS OF THE MOTOR VEHICLE**
23 **ADMINISTRATION THE NAMES AND ADDRESSES OF ALL REGISTERED OWNERS**
24 **AND SECURED PARTIES AS DEFINED IN THE CODE;**

25 **(2) PERSONALLY REVIEWS THE FACTS AND CIRCUMSTANCES OF**
26 **THE SEIZURE; AND**

27 **(3) PERSONALLY DETERMINES, ACCORDING TO THE STANDARDS**
28 **LISTED IN § 13-507 OF THIS SUBTITLE, AND REPRESENTS IN WRITING THAT**
29 **FORFEITURE IS WARRANTED.**

30 **(B) (1) A SWORN AFFIDAVIT BY THE CHIEF LAW ENFORCEMENT**
31 **OFFICER THAT THE OFFICER FOLLOWED THE REQUIREMENTS OF SUBSECTION**

1 (A) OF THIS SECTION IS ADMISSIBLE IN EVIDENCE IN A PROCEEDING UNDER
2 THIS SUBTITLE.

3 (2) THE CHIEF LAW ENFORCEMENT OFFICER MAY NOT BE
4 SUBPOENAED OR COMPELLED TO APPEAR AND TESTIFY IF ANOTHER LAW
5 ENFORCEMENT OFFICER WITH PERSONAL KNOWLEDGE OF THE FACTS AND
6 CIRCUMSTANCES SURROUNDING THE SEIZURE AND THE RECOMMENDATION OF
7 FORFEITURE APPEARS AND TESTIFIES AT THE PROCEEDING.

8 13-509.

9 (A) THE FORFEITING AUTHORITY SHALL SURRENDER THE MOTOR
10 VEHICLE ON REQUEST TO THE OWNER IF THE FORFEITING AUTHORITY
11 DETERMINES, INDEPENDENT OF THE DECISION OF THE SEIZING AUTHORITY,
12 THAT THE TOTAL CIRCUMSTANCES OF THE CASE AS LISTED UNDER § 13-507(B)
13 OF THIS SUBTITLE DO NOT JUSTIFY FORFEITURE.

14 (B) IN A PROCEEDING UNDER THIS SUBTITLE, THE COURT MAY
15 DETERMINE, BASED ON THE CIRCUMSTANCES LISTED IN § 13-507(B) OF THIS
16 SUBTITLE, WHETHER THE SEIZING AUTHORITY OR FORFEITING AUTHORITY
17 ABUSED ITS DISCRETION OR WAS CLEARLY ERRONEOUS:

18 (1) IN RECOMMENDING THE FORFEITURE OF A MOTOR VEHICLE;
19 OR

20 (2) IN NOT SURRENDERING ON REQUEST A MOTOR VEHICLE TO
21 AN OWNER.

22 13-510.

23 (A) (1) EXCEPT AS PROVIDED IN §§ 13-512 AND 13-513 OF THIS
24 SUBTITLE, AN OWNER OF SEIZED PROPERTY WHO WISHES TO OBTAIN
25 POSSESSION OF THE PROPERTY, TO CONVEY AN INTEREST IN REAL PROPERTY,
26 OR TO REMOVE A BUILDING OR FIXTURE FROM REAL PROPERTY SHALL NOTIFY
27 THE CLERK OF THE PROPER COURT.

28 (2) IF FORFEITURE PROCEEDINGS HAVE BEGUN, THE PROPER
29 COURT IS THE COURT WHERE THE PROCEEDINGS HAVE BEGUN.

30 (3) IF CRIMINAL PROCEEDINGS HAVE BEGUN BUT FORFEITURE
31 PROCEEDINGS HAVE NOT BEGUN, THE PROPER COURT IS THE COURT WHERE
32 THE CRIMINAL PROCEEDINGS HAVE BEGUN.

1 **(4) IF BOTH FORFEITURE PROCEEDINGS AND CRIMINAL**
2 **PROCEEDINGS HAVE NOT BEGUN, THE PROPER COURT IS THE CIRCUIT COURT**
3 **FOR THE COUNTY WHERE THE PROPERTY WAS SEIZED.**

4 **(B) (1) UNLESS THE FORFEITING AUTHORITY AND THE OWNER**
5 **AGREE TO A BOND IN ANOTHER AMOUNT, IF A MOTOR VEHICLE IS NOT NEEDED**
6 **FOR EVIDENTIARY PURPOSES IN A JUDICIAL PROCEEDING:**

7 **(I) THE COURT SHALL APPRAISE THE VALUE OF THE**
8 **MOTOR VEHICLE ON THE BASIS OF THE AVERAGE VALUE OF THE MOTOR**
9 **VEHICLE SET FORTH IN THE NATIONAL AUTOMOBILE DEALERS ASSOCIATION**
10 **OFFICIAL USED CAR GUIDE; OR**

11 **(II) IF THE OWNER SHOWS THAT A LIEN IS ON THE MOTOR**
12 **VEHICLE AND THE OWNER AGREES TO MAKE THE REQUIRED PAYMENTS TO THE**
13 **LIENHOLDER, THE COURT SHALL REQUIRE A BOND IN AN AMOUNT OF THE**
14 **AVERAGE VALUE OF THE MOTOR VEHICLE SET FORTH IN THE NATIONAL**
15 **AUTOMOBILE DEALERS ASSOCIATION OFFICIAL USED CAR GUIDE, LESS THE**
16 **AMOUNT OWED ON THE LIEN.**

17 **(2) FOR A MOTOR VEHICLE, THE COURT SHALL APPRAISE THE**
18 **VALUE IN THE MANNER PROVIDED IN THIS SUBSECTION AND PROVIDE THE**
19 **APPRAISAL IN WRITING TO THE CLERK OF THE COURT.**

20 **(C) (1) IF PROPERTY OTHER THAN A MOTOR VEHICLE IS NOT NEEDED**
21 **FOR EVIDENTIARY PURPOSES IN A JUDICIAL PROCEEDING, THE CLERK SHALL**
22 **OBTAIN AN INDEPENDENT APPRAISAL OF THE VALUE OF THE PROPERTY.**

23 **(2) THE SHERIFF OR OTHER PERSON RESPONSIBLE FOR AN**
24 **APPRAISAL UNDER THIS SUBSECTION SHALL PROMPTLY:**

25 **(I) INSPECT AND APPRAISE THE VALUE OF THE PROPERTY;**
26 **AND**

27 **(II) RETURN THE APPRAISAL IN WRITING UNDER OATH TO**
28 **THE CLERK OF THE COURT.**

29 **(D) NOTICE OF THE APPRAISAL SHALL BE SENT TO ALL LIENHOLDERS**
30 **SHOWN IN THE RECORDS REQUIRED BY LAW FOR NOTICE OR THE PERFECTION**
31 **OF THE LIEN.**

32 **(E) (1) ON THE FILING OF AN APPRAISAL, THE OWNER MAY GIVE**
33 **BOND PAYABLE TO THE CLERK OF THE COURT IN AN AMOUNT EQUAL TO THE**
34 **GREATER OF:**

1 **(I) THE APPRAISED VALUE OF THE PROPERTY PLUS ANY**
2 **ACCRUED COSTS; OR**

3 **(II) THE AGGREGATE AMOUNT OF THE LIENS ON THE**
4 **PROPERTY THAT ARE SHOWN IN THE RECORDS REQUIRED BY LAW FOR THE**
5 **NOTICE OR PERFECTION OF LIENS.**

6 **(2) A PERSON MAY GIVE A BOND UNDER THIS SUBSECTION BY**
7 **CASH, THROUGH A SURETY, THROUGH A LIEN ON REAL PROPERTY, OR BY**
8 **OTHER MEANS THAT THE CLERK APPROVES.**

9 **(3) A BOND AUTHORIZED UNDER THIS SUBSECTION:**

10 **(I) SHALL BE CONDITIONED FOR PERFORMANCE ON FINAL**
11 **JUDGMENT BY THE COURT;**

12 **(II) SHALL BE FILED IN THE DISTRICT COURT OR CIRCUIT**
13 **COURT WHERE THE CRIMINAL ACTION THAT GAVE RISE TO THE SEIZURE IS**
14 **PENDING; AND**

15 **(III) UNLESS A COMPLAINT FOR FORFEITURE HAS BEEN**
16 **FILED, SHALL BE PART OF THE SAME CRIMINAL PROCEEDING.**

17 **(4) IF A CRIMINAL ACTION IS NOT PENDING OR A FORFEITURE**
18 **COMPLAINT HAS NOT BEEN FILED, THE BOND SHALL BE FILED IN THE CIRCUIT**
19 **COURT OR DISTRICT COURT WHERE THE PROPERTY WAS SEIZED.**

20 **(F) (1) IF THE COURT ORDERS THAT PROPERTY OR AN INTEREST OR**
21 **EQUITY IN THE PROPERTY OR PROCEEDS BE FORFEITED UNDER THIS SUBTITLE,**
22 **THE COURT SHALL ENTER JUDGMENT IN THE AMOUNT OF THE BOND AGAINST**
23 **THE OBLIGORS ON THE BOND WITHOUT FURTHER PROCEEDINGS.**

24 **(2) PAYMENT OF THE AMOUNT OF THE BOND SHALL BE APPLIED**
25 **AS PROVIDED UNDER § 13-528(D)(2) OF THIS SUBTITLE.**

26 **13-511.**

27 **SEIZURE OF REAL PROPERTY OCCURS ON THE EARLIER OF THE FILING:**

28 **(1) OF A COMPLAINT FOR FORFEITURE UNDER THIS SUBTITLE; OR**

29 **(2) OF A NOTICE OF PENDING LITIGATION IN THE CIRCUIT COURT**
30 **OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED.**

1 **13-512.**

2 (A) SUBJECT TO THE RIGHTS OF A LIENHOLDER TO SELL THE REAL
3 PROPERTY, AN OWNER OR AN OWNER'S TENANT MAY REMAIN IN POSSESSION OF
4 SEIZED REAL PROPERTY UNTIL FORFEITURE IS ORDERED.

5 (B) THE FORFEITING AUTHORITY MAY APPLY TO THE COURT FOR THE
6 APPOINTMENT OF A RECEIVER TO APPLY INCOME FROM INCOME-PRODUCING
7 PROPERTY.

8 (C) IF A PERSON WHO IS AN OWNER OR AN OWNER'S TENANT REMAINS
9 IN POSSESSION OF THE REAL PROPERTY AND THE PERSON'S INTEREST IN THE
10 REAL PROPERTY IS FORFEITED, THE PERSON IMMEDIATELY SHALL SURRENDER
11 THE REAL PROPERTY TO THE SEIZING AUTHORITY IN SUBSTANTIALLY THE SAME
12 CONDITION AS WHEN SEIZED.

13 **13-513.**

14 (A) THIS SECTION DOES NOT APPLY IF:

15 (1) AN ACT IS AGREED TO BY A FORFEITING AUTHORITY OR IS
16 ORDERED BY THE COURT; OR

17 (2) AN OWNER POSTS A BOND UNDER § 13-510 OF THIS SUBTITLE.

18 (B) UNTIL THE COURT ENTERS JUDGMENT IN FAVOR OF THE OWNER,
19 AN OWNER MAY NOT ATTEMPT:

20 (1) TO CONVEY OR ENCUMBER AN INTEREST IN SEIZED REAL
21 PROPERTY; OR

22 (2) TO REMOVE A BUILDING OR FIXTURE ON SEIZED REAL
23 PROPERTY.

24 **13-514.**

25 EXCEPT AS PROVIDED IN § 13-517(C) OF THIS SUBTITLE, IF PROPERTY IS
26 SEIZED UNDER § 13-504(2)(IV) OF THIS SUBTITLE BECAUSE THERE IS
27 PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS DIRECTLY OR
28 INDIRECTLY DANGEROUS TO HEALTH OR SAFETY AND THAT THE PROPERTY WAS
29 OR WILL BE USED TO VIOLATE THE HUMAN TRAFFICKING LAW, FORFEITURE
30 PROCEEDINGS UNDER THIS SUBTITLE SHALL BE FILED PROMPTLY.

1 **13-515.**

2 **EXCEPT AS PROVIDED IN § 13-516 OF THIS SUBTITLE, THE APPROPRIATE**
3 **FORFEITING AUTHORITY SHALL FILE PROCEEDINGS UNDER THIS SUBTITLE IN**
4 **THE CIRCUIT COURT.**

5 **13-516.**

6 **(A) TO APPLY FOR THE FORFEITURE OF MONEY, THE APPROPRIATE**
7 **LOCAL FINANCIAL AUTHORITY OR THE ATTORNEY GENERAL SHALL FILE A**
8 **COMPLAINT AND AFFIDAVIT IN THE DISTRICT COURT OR THE CIRCUIT COURT**
9 **FOR THE COUNTY IN WHICH THE MONEY WAS SEIZED.**

10 **(B) THE COMPLAINT AND AFFIDAVIT SHALL BE SERVED IN**
11 **ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.**

12 **13-517.**

13 **(A) EXCEPT AS PROVIDED UNDER SUBSECTIONS (B) AND (C) OF THIS**
14 **SECTION, A COMPLAINT SEEKING FORFEITURE SHALL BE FILED WITHIN THE**
15 **EARLIER OF:**

16 **(1) 90 DAYS AFTER THE SEIZURE; OR**

17 **(2) 1 YEAR AFTER THE FINAL DISPOSITION OF THE CRIMINAL**
18 **CHARGE FOR THE VIOLATION GIVING RISE TO THE FORFEITURE.**

19 **(B) A COMPLAINT FOR THE FORFEITURE OF A MOTOR VEHICLE SHALL**
20 **BE FILED WITHIN 45 DAYS AFTER THE MOTOR VEHICLE IS SEIZED.**

21 **(C) (1) A PROCEEDING ABOUT MONEY SHALL BE FILED WITHIN 90**
22 **DAYS AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS THAT ARISE**
23 **OUT OF THE HUMAN TRAFFICKING LAW.**

24 **(2) IF THE STATE OR A POLITICAL SUBDIVISION DOES NOT FILE**
25 **PROCEEDINGS ABOUT MONEY WITHIN THE 90-DAY PERIOD, THE MONEY SEIZED**
26 **UNDER THIS SUBTITLE SHALL BE RETURNED TO THE OWNER ON REQUEST BY**
27 **THE OWNER.**

28 **(3) IF THE OWNER FAILS TO ASK FOR THE RETURN OF THE MONEY**
29 **WITHIN 1 YEAR AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS,**
30 **THE MONEY SHALL REVERT TO THE ANTI-HUMAN-TRAFFICKING FUND UNDER**
31 **§ 11-920 OF THIS ARTICLE.**

1 13-518.

2 (A) A COMPLAINT SEEKING FORFEITURE SHALL CONTAIN:

3 (1) A DESCRIPTION OF THE PROPERTY SEIZED;

4 (2) THE DATE AND PLACE OF THE SEIZURE;

5 (3) THE NAME OF THE OWNER, IF KNOWN;

6 (4) THE NAME OF THE PERSON IN POSSESSION, IF KNOWN;

7 (5) THE NAME OF EACH LIENHOLDER, IF KNOWN OR REASONABLY
8 SUBJECT TO DISCOVERY;

9 (6) AN ALLEGATION THAT THE PROPERTY IS SUBJECT TO
10 FORFEITURE;

11 (7) IF THE FORFEITING AUTHORITY SEEKS TO FORFEIT A
12 LIENHOLDER'S INTEREST IN PROPERTY, AN ALLEGATION THAT THE LIEN WAS
13 CREATED WITH ACTUAL KNOWLEDGE THAT THE PROPERTY WAS BEING OR WAS
14 TO BE USED IN VIOLATION OF THE HUMAN TRAFFICKING LAW;

15 (8) A STATEMENT OF THE FACTS AND CIRCUMSTANCES
16 SURROUNDING THE SEIZURE;

17 (9) A STATEMENT SETTING FORTH THE SPECIFIC GROUNDS FOR
18 FORFEITURE; AND

19 (10) AN OATH OR AFFIRMATION BY THE FORFEITING AUTHORITY
20 THAT THE CONTENTS OF THE COMPLAINT ARE TRUE TO THE BEST OF THE
21 FORFEITING AUTHORITY'S KNOWLEDGE, INFORMATION, AND BELIEF.

22 (B) WITHIN 20 DAYS AFTER THE FILING OF THE COMPLAINT, COPIES OF
23 THE SUMMONS AND COMPLAINT SHALL BE SENT BY CERTIFIED MAIL
24 REQUESTING "RESTRICTED DELIVERY - SHOW TO WHOM, DATE, ADDRESS OF
25 DELIVERY" AND FIRST-CLASS MAIL TO ALL KNOWN OWNERS AND LIENHOLDERS
26 WHOSE IDENTITIES ARE REASONABLY SUBJECT TO DISCOVERY, INCLUDING ALL
27 REAL PROPERTY OWNERS AND LIENHOLDERS SHOWN IN THE RECORDS
28 REQUIRED BY LAW FOR NOTICE OR PERFECTION OF THE LIEN.

29 13-519.

1 **(A) A NOTICE SHALL BE SIGNED BY THE CLERK OF THE COURT AND**
2 **SHALL:**

3 **(1) INCLUDE THE CAPTION OF THE CASE;**

4 **(2) DESCRIBE THE SUBSTANCE OF THE COMPLAINT AND THE**
5 **RELIEF SOUGHT;**

6 **(3) STATE THE LATEST DATE ON WHICH A RESPONSE MAY BE**
7 **FILED;**

8 **(4) STATE THAT THE PROPERTY SHALL BE FORFEITED IF A**
9 **RESPONSE IS NOT FILED ON TIME;**

10 **(5) STATE THAT THE OWNER OF THE PROPERTY MAY HAVE**
11 **POSSESSION OF THE PROPERTY PENDING FORFEITURE BY POSTING A BOND AS**
12 **PROVIDED IN § 13-510 OF THIS SUBTITLE; AND**

13 **(6) TELL WHERE TO FILE A RESPONSE AND WHOM TO CONTACT**
14 **FOR MORE INFORMATION CONCERNING THE FORFEITURE.**

15 **(B) WITHIN 20 DAYS AFTER THE FILING OF THE COMPLAINT, THE**
16 **NOTICE SHALL BE:**

17 **(1) POSTED BY THE SHERIFF ON THE DOOR OF THE COURTHOUSE**
18 **WHERE THE ACTION IS PENDING OR ON A BULLETIN BOARD WITHIN THE**
19 **IMMEDIATE VICINITY OF THE DOOR;**

20 **(2) POSTED BY THE SHERIFF IN A CONSPICUOUS PLACE ON THE**
21 **LAND, IF FORFEITURE OF REAL PROPERTY IS SOUGHT; AND**

22 **(3) PUBLISHED AT LEAST ONCE A WEEK IN EACH OF 3**
23 **SUCCESSIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN**
24 **THE COUNTY IN WHICH THE ACTION IS PENDING, UNLESS THE PROPERTY IS A**
25 **BOAT OR MOTOR VEHICLE.**

26 **13-520.**

27 **THE ANSWER TO A COMPLAINT SHALL:**

28 **(1) COMPLY WITH THE MARYLAND RULES;**

29 **(2) STATE THE NATURE AND EXTENT OF THE PERSON'S RIGHT IN,**
30 **TITLE TO, OR INTEREST IN THE PROPERTY;**

1 **(3) STATE HOW AND WHEN THE PERSON ACQUIRED A RIGHT IN,**
2 **TITLE TO, OR INTEREST IN THE PROPERTY; AND**

3 **(4) CONTAIN A REQUEST FOR RELIEF AND A REQUEST FOR A**
4 **PROMPT HEARING.**

5 **13-521.**

6 **(A) IF AN ANSWER HAS BEEN FILED ON TIME, THE COURT SHALL SET A**
7 **HEARING ON THE FORFEITURE CLAIM WITHIN 60 DAYS AFTER THE LATER OF:**

8 **(1) POSTING OF NOTICE UNDER § 13-519(B)(1) OR (2) OF THIS**
9 **SUBTITLE; OR**

10 **(2) FINAL PUBLICATION OF NOTICE UNDER § 13-519(B)(3) OF**
11 **THIS SUBTITLE.**

12 **(B) WITHOUT A HEARING, THE COURT MAY ORDER FORFEITURE OF THE**
13 **PROPERTY INTEREST OF A PERSON WHO FAILS TO TIMELY FILE AN ANSWER.**

14 **13-522.**

15 **EXCEPT AS PROVIDED IN §§ 13-503 AND 13-524 OF THIS SUBTITLE, AN**
16 **OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE REAL**
17 **PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF THE HUMAN**
18 **TRAFFICKING LAW OR THE OWNER OF THE REAL PROPERTY IS CONVICTED OF**
19 **AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN TRAFFICKING LAW.**

20 **13-523.**

21 **(A) FORFEITURE PROCEEDINGS FOR REAL PROPERTY MAY BE**
22 **BROUGHT IN THE JURISDICTION WHERE:**

23 **(1) THE CRIMINAL CHARGES ARE PENDING;**

24 **(2) THE OWNER RESIDES; OR**

25 **(3) THE REAL PROPERTY IS LOCATED.**

26 **(B) (1) IF FORFEITURE PROCEEDINGS FOR REAL PROPERTY ARE**
27 **BROUGHT IN A JURISDICTION OTHER THAN WHERE THE REAL PROPERTY IS**
28 **LOCATED, A NOTICE OF PENDING LITIGATION SHALL BE FILED IN THE**
29 **JURISDICTION WHERE THE PROPERTY IS LOCATED.**

1 **(2) A NOTICE OF PENDING LITIGATION REQUIRED UNDER THIS**
2 **SUBSECTION SHALL INCLUDE AT LEAST:**

3 **(I) THE NAME AND ADDRESS OF THE OWNER OF THE REAL**
4 **PROPERTY;**

5 **(II) A DESCRIPTION OF THE REAL PROPERTY; AND**

6 **(III) A DESCRIPTION OF THE REASONS FOR THE FILING OF**
7 **THE FORFEITURE PROCEEDINGS AND NOTICE OF PENDING LITIGATION.**

8 **13-524.**

9 **IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY**
10 **RESIDENCE IS CONVICTED UNDER THE HUMAN TRAFFICKING LAW OR IS**
11 **CONVICTED OF AN ATTEMPT OR CONSPIRACY TO VIOLATE THE HUMAN**
12 **TRAFFICKING LAW AND THE OWNER FILES AN APPEAL OF THE CONVICTION, THE**
13 **COURT SHALL STAY FORFEITURE PROCEEDINGS UNDER § 13-503 OF THIS**
14 **SUBTITLE AGAINST THE REAL PROPERTY DURING THE PENDENCY OF THE**
15 **APPEAL.**

16 **13-525.**

17 **(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
18 **THERE IS A REBUTTABLE PRESUMPTION THAT PROPERTY OR PART OF A**
19 **PROPERTY IN WHICH A PERSON HAS AN OWNERSHIP INTEREST IS SUBJECT TO**
20 **FORFEITURE AS PROCEEDS, IF THE STATE ESTABLISHES BY CLEAR AND**
21 **CONVINCING EVIDENCE THAT:**

22 **(I) THE PERSON HAS VIOLATED THE HUMAN TRAFFICKING**
23 **LAW OR HAS ATTEMPTED OR CONSPIRED TO VIOLATE THE HUMAN TRAFFICKING**
24 **LAW;**

25 **(II) THE PROPERTY WAS ACQUIRED BY THE PERSON DURING**
26 **THE VIOLATION OR WITHIN A REASONABLE TIME AFTER THE VIOLATION; AND**

27 **(III) THERE WAS NO OTHER LIKELY SOURCE FOR THE**
28 **PROPERTY.**

29 **(2) A CLAIMANT OF THE PROPERTY HAS THE BURDEN OF PROOF**
30 **TO REBUT THE PRESUMPTION IN PARAGRAPH (1) OF THIS SUBSECTION.**

31 **(B) REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY**
32 **NOT BE FORFEITED UNDER THIS SECTION UNLESS:**

1 (1) AN OWNER OF THE REAL PROPERTY WAS CONVICTED OF A
2 CRIME DESCRIBED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION; OR

3 (2) § 13-503(D) OF THIS SUBTITLE APPLIES.
4 13-526.

5 (A) THE COURT MAY ORDER THE FORFEITURE OF OTHER PROPERTY OF
6 THE OWNER UP TO THE VALUE OF ANY PROPERTY SEIZED UNDER THIS
7 SUBTITLE, WITH THE EXCEPTION OF REAL PROPERTY, IF AS A RESULT OF AN
8 ACT OR OMISSION OF THE OWNER THE PROPERTY TO BE FORFEITED:

9 (1) CANNOT BE LOCATED AFTER THE EXERCISE OF DUE
10 DILIGENCE;

11 (2) HAS BEEN TRANSFERRED, SOLD TO OR DEPOSITED WITH A
12 THIRD PARTY;

13 (3) HAS BEEN PLACED BEYOND THE JURISDICTION OF THE
14 COURT;

15 (4) HAS BEEN SUBSTANTIALLY DIMINISHED IN VALUE; OR

16 (5) HAS BEEN COMMINGLED WITH OTHER PROPERTY AND
17 CANNOT BE DIVIDED WITHOUT DIFFICULTY.

18 (B) THE COURT MAY ORDER THE OWNER TO RETURN PROPERTY TO THE
19 JURISDICTION OF THE COURT.

20 13-527.

21 IN A PROCEEDING UNDER THIS SUBTITLE, A COURT:

22 (1) MAY GRANT REQUESTS FOR MITIGATION OR REMISSION OF
23 FORFEITURE OR TAKE OTHER ACTION THAT PROTECTS THE RIGHTS OF
24 INNOCENT PERSONS, IS CONSISTENT WITH THIS SUBTITLE, AND IS IN THE
25 INTEREST OF JUSTICE;

26 (2) MAY RESOLVE CLAIMS ARISING UNDER THIS SUBTITLE; AND

27 (3) MAY TAKE APPROPRIATE MEASURES TO SAFEGUARD AND
28 MAINTAIN PROPERTY FORFEITED UNDER THIS SUBTITLE PENDING THE
29 DISPOSITION OF THE PROPERTY.

1 **13-528.**

2 (A) AFTER A FULL HEARING, IF THE COURT DETERMINES THAT THE
3 PROPERTY SHOULD NOT BE FORFEITED, THE COURT SHALL ORDER THAT THE
4 PROPERTY BE RELEASED.

5 (B) SUBJECT TO § 13-529 OF THIS SUBTITLE, IF THE COURT
6 DETERMINES THAT THE PROPERTY SHOULD BE FORFEITED, THE COURT SHALL
7 ORDER THAT THE PROPERTY BE FORFEITED TO THE APPROPRIATE GOVERNING
8 BODY.

9 (C) (1) IF THE COURT DETERMINES THAT THE FORFEITED PROPERTY
10 IS SUBJECT TO A VALID LIEN CREATED WITHOUT ACTUAL KNOWLEDGE OF THE
11 LIENHOLDER THAT THE PROPERTY WAS BEING OR WAS TO BE USED IN
12 VIOLATION OF THE HUMAN TRAFFICKING LAW, THE COURT SHALL ORDER THAT
13 THE PROPERTY BE RELEASED WITHIN 5 DAYS TO THE FIRST PRIORITY
14 LIENHOLDER.

15 (2) THE LIENHOLDER SHALL SELL THE PROPERTY IN A
16 COMMERCIALY REASONABLE MANNER.

17 (3) THE PROCEEDS OF THE SALE SHALL BE APPLIED AS
18 FOLLOWS:

19 (I) TO THE COURT COSTS OF THE FORFEITURE
20 PROCEEDING;

21 (II) TO THE BALANCE DUE THE LIENHOLDER, INCLUDING
22 ALL REASONABLE COSTS INCIDENT TO THE SALE;

23 (III) TO PAYMENT OF ALL OTHER EXPENSES OF THE
24 PROCEEDINGS FOR FORFEITURE, INCLUDING EXPENSES OF SEIZURE OR
25 MAINTENANCE OF CUSTODY; AND

26 (IV) TO THE ANTI-HUMAN-TRAFFICKING FUND UNDER §
27 11-920 OF THIS ARTICLE.

28 **13-529.**

29 IF PROPERTY IS FORFEITED UNDER THIS SUBTITLE, THE GOVERNING
30 BODY WHERE THE PROPERTY WAS SEIZED MAY:

31 (1) KEEP THE PROPERTY FOR OFFICIAL USE;

1 **(2) REQUIRE AN APPROPRIATE UNIT TO TAKE CUSTODY OF THE**
2 **PROPERTY AND DESTROY OR OTHERWISE DISPOSE OF IT; OR**

3 **(3) SELL THE PROPERTY IF:**

4 **(I) THE LAW DOES NOT REQUIRE THE PROPERTY TO BE**
5 **DESTROYED; AND**

6 **(II) THE PROPERTY IS NOT HARMFUL TO THE PUBLIC.**

7 **13-530.**

8 **(A) THE PROCEEDS FROM A SALE OR THE RETENTION OF PROPERTY**
9 **DECLARED TO BE FORFEITED AND ANY INTEREST ACCRUED SHALL BE APPLIED,**
10 **FIRST, TO THE PROPER EXPENSES OF THE PROCEEDING FOR FORFEITURE AND**
11 **RESULTING SALE, INCLUDING THE EXPENSE OF SEIZING AND MAINTAINING**
12 **CUSTODY OF THE PROPERTY AND ADVERTISING.**

13 **(B) ANY BALANCE REMAINING AFTER THE DISTRIBUTION REQUIRED**
14 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE DISTRIBUTED TO THE**
15 **ANTI-HUMAN-TRAFFICKING FUND UNDER § 11-920 OF THIS ARTICLE.**

16 **13-531.**

17 **A SALE OF PROPERTY ORDERED UNDER THIS SUBTITLE SHALL BE MADE**
18 **FOR CASH AND GIVES THE PURCHASER CLEAR AND ABSOLUTE TITLE.**

19 **13-532.**

20 **(A) BEFORE EXERCISING THE RIGHT TO SELL PROPERTY THAT HAS**
21 **BEEN SEIZED UNDER THIS SUBTITLE, A LIENHOLDER SHALL GIVE TO THE**
22 **FORFEITING AUTHORITY:**

23 **(1) WRITTEN NOTICE OF THE INTENTION TO SELL;**

24 **(2) COPIES OF DOCUMENTS GIVING RISE TO THE LIEN; AND**

25 **(3) AN AFFIDAVIT UNDER OATH BY THE LIENHOLDER:**

26 **(I) STATING THAT THE UNDERLYING OBLIGATION IS IN**
27 **DEFAULT; AND**

28 **(II) STATING THE REASONS FOR THE DEFAULT.**

1 **(B) ON REQUEST OF THE LIENHOLDER, THE FORFEITING AUTHORITY**
2 **SHALL RELEASE THE PROPERTY TO THE LIENHOLDER.**

3 **13-533.**

4 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
5 **LAW GOVERNING THE SALE OF COLLATERAL SECURING AN OBLIGATION IN**
6 **DEFAULT GOVERNS A LIENHOLDER'S REPOSSESSION AND SALE OF PROPERTY**
7 **THAT HAS BEEN SEIZED UNDER THIS SUBTITLE.**

8 **(B) A LIENHOLDER MAY NOT BE REQUIRED TO TAKE POSSESSION OF**
9 **THE PROPERTY BEFORE THE SALE OF THE PROPERTY.**

10 **13-534.**

11 **(A) ANY PART OF THE PROCEEDS FROM A SALE OF PROPERTY THAT HAS**
12 **BEEN SEIZED UNDER THIS SUBTITLE THAT WOULD BE PAID TO AN OWNER OF**
13 **THE PROPERTY UNDER THE APPLICABLE LAW RELATING TO DISTRIBUTION OF**
14 **PROCEEDS:**

15 **(1) SHALL BE PAID TO THE SEIZING AUTHORITY; AND**

16 **(2) SHALL BE PROPERTY SUBJECT TO FORFEITURE.**

17 **(B) IF AN ORDER OF FORFEITURE IS NOT ENTERED, THE STATE SHALL**
18 **RETURN TO THE OWNER THAT PART OF THE PROCEEDS AND ANY COSTS OF THE**
19 **FORFEITURE PROCEEDINGS PAID FROM THE PROCEEDS OF THE SALE.**

20 **13-535.**

21 **(A) IF THE INTEREST OF THE OWNER IN PROPERTY THAT HAS BEEN**
22 **SEIZED UNDER THIS SUBTITLE IS REDEEMED, THE LIENHOLDER SHALL MAIL A**
23 **NOTICE OF THE REDEMPTION TO THE FORFEITING AUTHORITY WITHIN 10 DAYS**
24 **AFTER THE REDEMPTION.**

25 **(B) (1) IF PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE**
26 **HAS BEEN REPOSSESSED OR OTHERWISE LAWFULLY TAKEN BY THE**
27 **LIENHOLDER, THE LIENHOLDER SHALL RETURN THE PROPERTY TO THE**
28 **SEIZING AUTHORITY WITHIN 21 DAYS AFTER THE REDEMPTION.**

1 **(2) THE SEIZING AUTHORITY AND THE FORFEITING AUTHORITY**
2 **MAY THEN PROCEED WITH THE FORFEITURE OF THE PROPERTY OR THE**
3 **PROCEEDS FROM THE SALE OF THE PROPERTY.**

4 **(C) TIME LIMITATIONS REQUIRED UNDER THIS SUBTITLE FOR NOTICE**
5 **AND FILING OF THE COMPLAINT FOR FORFEITURE RUN FROM THE DATE OF**
6 **REDEMPTION OR PURCHASE OF THE PROPERTY THAT HAS BEEN SEIZED UNDER**
7 **THIS SUBTITLE.**

8 **13-536.**

9 **THIS SUBTITLE DOES NOT PROHIBIT A LIENHOLDER FROM EXERCISING**
10 **RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SELL PROPERTY**
11 **THAT HAS BEEN SEIZED UNDER THIS SUBTITLE, IF A DEFAULT OCCURS IN THE**
12 **OBLIGATION GIVING RISE TO THE LIEN.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
14 construed to apply only prospectively and may not be applied or interpreted to have
15 any effect on or application to any offense committed before the effective date of this
16 Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2013.