

HB0147/493694/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 147
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Products” insert “and Conveyances”; in the same line, before “Disposition” insert “Seizure and”; in the same line, strike “of Seized Contraband”; in line 3, after “of” insert “altering the manner in which seized contraband tobacco products or certain conveyances are processed following seizure;”; in the same line, strike “authorize a political subdivision to”; in line 5, after “circumstances,” insert “requiring the Comptroller to remove certain seized contraband tobacco products on or before a certain date;”; in line 9, after “Section” insert “13-836(b) and”; and after line 11, insert:

“BY adding to

Article - Tax - General

Section 13-836(d)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“13-836.

(b) (1) A police officer who seizes a conveyance used to transport contraband alcoholic beverages promptly shall notify the Comptroller of the seizure.

(2) A police officer who seizes any contraband tobacco products or conveyance used to transport contraband tobacco products **PROMPTLY** shall [deliver

(Over)

the seized cigarettes or other tobacco products and conveyance to] NOTIFY the Comptroller OF THE SEIZURE.

(3) A police officer who seizes any contraband motor fuel shall:

(i) deliver the seized contraband motor fuel and conveyance to the Comptroller; or

(ii) if the seized conveyance is operated by a common carrier, regulated by either the Maryland Public Service Commission or the Interstate Commerce Commission, and transports motor fuel for another person, for a fee, direct the operator of the conveyance to take it to a location that the Comptroller designates.

(D) FOR SEIZED CONTRABAND TOBACCO PRODUCTS OR A SEIZED CONVEYANCE USED TO TRANSPORT CONTRABAND TOBACCO PRODUCTS, THE COMPTROLLER SHALL:

(1) REMOVE THE CONTRABAND OR CONVEYANCE FROM THE POLITICAL SUBDIVISION EXERCISING JURISDICTION OVER THE CONTRABAND OR CONVEYANCE WITHIN 60 DAYS AFTER THE CONTRABAND OR CONVEYANCE IS NO LONGER NEEDED AS EVIDENCE; AND

(2) DISPOSE OF THE CONTRABAND OR CONVEYANCE IN THE MANNER AUTHORIZED UNDER § 13-841 OF THIS ARTICLE.”.

On page 2, strike beginning with “AUTHORIZE” in line 3 down through “TO” in line 4; strike beginning with “WHEN” in line 5 down through “PRODUCTS” in line 6 and substitute “IF THE COMPTROLLER IS:”

1. PROHIBITED FROM SELLING THE SEIZED AND FORFEITED TOBACCO PRODUCTS IN THE STATE; OR

2. UNABLE TO MAKE A PROFIT FROM SELLING THE SEIZED AND FORFEITED TOBACCO PRODUCTS”;

and in line 7, strike “A POLITICAL SUBDIVISION” and substitute “THE COMPTROLLER”.

AMENDMENT NO. 3

On page 3, in line 1, after “That” insert “on or before December 1, 2013, the Comptroller shall remove any seized contraband tobacco products that are no longer needed as evidence from the possession of a political subdivision exercising jurisdiction over the seized contraband tobacco products.”

SECTION 3. AND BE IT FURTHER ENACTED, That”.