

HOUSE BILL 255

E2

5lr2279

By: **Delegates Dumais and Kramer**

Introduced and read first time: February 4, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Seizure and Forfeiture – Property Used in Exploitation of**
3 **Vulnerable Adults**

4 FOR the purpose of authorizing a State or local law enforcement agency, on process issued
5 by a court of competent jurisdiction, to seize certain property used or intended for
6 use in connection with a violation of a certain criminal statute; specifying certain
7 property that is subject to forfeiture; specifying certain conditions to exclude
8 property from forfeiture; authorizing the seizure of certain property with or without
9 a warrant under certain circumstances; requiring the seizing authority that seizes
10 money to take certain actions; specifying certain standards and exceptions regarding
11 the seizure of motor vehicles; requiring a certain law enforcement officer to
12 recommend that a motor vehicle be forfeited under certain circumstances; requiring
13 that a forfeiting authority surrender a motor vehicle on request to the owner under
14 certain circumstances; specifying conditions under which an owner may obtain
15 possession of seized property; specifying the time when seizure of real property
16 occurs; authorizing an owner or owner's tenant to remain in possession of seized real
17 property under certain circumstances; prohibiting an owner of certain real property
18 from taking certain actions; specifying certain procedures for the conduct of
19 forfeiture proceedings, including the filing of complaints and answers, posting and
20 publishing of notice, and conducting hearings for real property and other property;
21 specifying certain restrictions on forfeiture proceedings on property used as the
22 principal family residence; specifying certain powers of a court in a certain forfeiture
23 proceeding; requiring a court to issue a certain order after a full hearing under
24 certain circumstances; authorizing the governing body where the property was
25 seized to take certain actions; requiring certain proceeds to be used for certain
26 expenses; specifying the terms of sale of forfeited property; specifying the law
27 governing the sale of certain collateral; requiring certain proceeds from the sale of
28 certain property to be distributed in a certain manner; requiring lienholders to take
29 certain actions before exercising the right to sell certain property and after the
30 redemption of certain property; specifying the effect of this Act; defining certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 terms; providing for the application of this Act; and generally relating to seizure and
2 forfeiture of property used in connection with exploitation of vulnerable adults.

3 BY adding to

4 Article – Criminal Procedure

5 Section 13–601 through 13–636 to be under the new subtitle “Subtitle 6. Violations
6 of the Law Against Exploitation of Vulnerable Adults”

7 Annotated Code of Maryland

8 (2008 Replacement Volume and 2014 Supplement)

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

11 **Article – Criminal Procedure**

12 **SUBTITLE 6. VIOLATIONS OF THE LAW AGAINST EXPLOITATION OF VULNERABLE**
13 **ADULTS.**

14 **13–601.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) “CHIEF EXECUTIVE OFFICER” MEANS:

18 (1) FOR BALTIMORE CITY, THE MAYOR;

19 (2) FOR A CHARTER COUNTY, THE COUNTY EXECUTIVE OR, IF THERE
20 IS NO COUNTY EXECUTIVE, THE COUNTY COUNCIL;

21 (3) FOR A CODE COUNTY, THE COUNTY COMMISSIONERS;

22 (4) FOR A COMMISSION COUNTY, THE COUNTY COMMISSIONERS; OR

23 (5) FOR A MUNICIPAL CORPORATION, THE LEGISLATIVE BODY
24 ESTABLISHED BY MUNICIPAL CHARTER.

25 (C) “CONVICTED” MEANS FOUND GUILTY.

26 (D) “FINAL DISPOSITION” MEANS DISMISSAL, ENTRY OF A NOLLE
27 PROSEQUI, MARKING OF A CRIMINAL CHARGE “STET” ON THE DOCKET, ENTRY OF A
28 NOT GUILTY VERDICT, PRONOUNCEMENT OF SENTENCE, OR IMPOSITION OF
29 PROBATION UNDER § 6–220 OF THIS ARTICLE.

30 (E) “FORFEITING AUTHORITY” MEANS:

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

5 **(2) IF THE SEIZING AUTHORITY IS A UNIT OF THE STATE, A UNIT OR**
6 **PERSON THAT THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S DESIGNEE**
7 **DESIGNATES BY AGREEMENT WITH A STATE’S ATTORNEY, COUNTY ATTORNEY, OR**
8 **MUNICIPAL ATTORNEY TO ACT ON BEHALF OF THE STATE REGARDING ASSETS**
9 **SUBJECT TO FORFEITURE BY THE STATE.**

10 **(F) “GOVERNING BODY” INCLUDES:**

11 **(1) THE STATE IF THE SEIZING AUTHORITY IS A UNIT OF THE STATE;**

12 **(2) A COUNTY IF THE SEIZING AUTHORITY IS A UNIT OF A COUNTY;**

13 **(3) A MUNICIPAL CORPORATION IF THE SEIZING AUTHORITY IS A UNIT**
14 **OF A MUNICIPALITY; AND**

15 **(4) BALTIMORE CITY IF THE SEIZING AUTHORITY IS THE BALTIMORE**
16 **POLICE DEPARTMENT.**

17 **(G) “LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS” MEANS §**
18 **8–801 OF THE CRIMINAL LAW ARTICLE.**

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

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

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

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

26 **(2) IF THE SEIZING AUTHORITY IS A UNIT OF A MUNICIPAL**
27 **CORPORATION, THE TREASURER OR DIRECTOR OF FINANCE OF THE MUNICIPAL**
28 **CORPORATION.**

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

1 **(2) “OWNER” INCLUDES:**

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

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

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

5 **(IV) A HOLDER OF AN INCHOATE INTEREST IN REAL PROPERTY;**

6 **AND**

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

8 **(L) “PROCEEDS” MEANS PROFITS DERIVED FROM A VIOLATION OF THE LAW**
9 **AGAINST EXPLOITATION OF VULNERABLE ADULTS OR PROPERTY OBTAINED**
10 **DIRECTLY OR INDIRECTLY FROM THOSE PROFITS.**

11 **(M) (1) “PROPERTY” INCLUDES:**

12 **(I) REAL PROPERTY AND ANYTHING GROWING ON OR**
13 **ATTACHED TO REAL PROPERTY;**

14 **(II) MOTOR VEHICLES; AND**

15 **(III) MONEY.**

16 **(2) “PROPERTY” DOES NOT INCLUDE:**

17 **(I) AN ITEM UNLAWFULLY IN THE POSSESSION OF A PERSON**
18 **OTHER THAN THE OWNER WHEN USED IN CONNECTION WITH A VIOLATION OF THE**
19 **LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS; OR**

20 **(II) A LESSOR’S INTEREST IN PROPERTY SUBJECT TO A BONA**
21 **FIDE LEASE, UNLESS THE FORFEITING AUTHORITY CAN SHOW THAT THE LESSOR**
22 **PARTICIPATED IN A VIOLATION OF THE LAW AGAINST EXPLOITATION OF**
23 **VULNERABLE ADULTS OR THAT THE PROPERTY WAS THE PROCEEDS OF A VIOLATION**
24 **OF THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS.**

25 **(N) (1) “REAL PROPERTY” MEANS LAND OR AN IMPROVEMENT TO LAND.**

26 **(2) “REAL PROPERTY” INCLUDES:**

27 **(I) A LEASEHOLD OR ANY OTHER LIMITED INTEREST IN**
28 **PROPERTY;**

1 (II) AN EASEMENT; AND

2 (III) A REVERSIONARY INTEREST IN A 99-YEAR GROUND LEASE
3 RENEWABLE FOREVER.

4 (O) "SEIZING AUTHORITY" MEANS A LAW ENFORCEMENT UNIT IN THE
5 STATE THAT IS AUTHORIZED TO INVESTIGATE VIOLATIONS OF THE LAW AGAINST
6 EXPLOITATION OF VULNERABLE ADULTS AND THAT HAS SEIZED PROPERTY UNDER
7 THIS SUBTITLE.

8 13-602.

9 THE FOLLOWING ARE SUBJECT TO FORFEITURE:

10 (1) EXCEPT AS PROVIDED IN § 13-603 OF THIS SUBTITLE, A MOTOR
11 VEHICLE USED IN CONNECTION WITH A VIOLATION OF AND CONVICTION UNDER THE
12 LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS;

13 (2) MONEY USED IN CONNECTION WITH A VIOLATION OF AND
14 CONVICTION UNDER THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS,
15 FOUND IN CLOSE PROXIMITY TO OR AT THE SCENE OF THE ARREST FOR A VIOLATION
16 OF THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS; AND

17 (3) EXCEPT AS PROVIDED IN § 13-603 OF THIS SUBTITLE, REAL
18 PROPERTY USED IN CONNECTION WITH A VIOLATION OF AND CONVICTION UNDER
19 THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS.

20 13-603.

21 (A) PROPERTY OR AN INTEREST IN PROPERTY DESCRIBED IN §
22 13-602(1) OR (3) OF THIS SUBTITLE MAY NOT BE FORFEITED IF THE OWNER
23 ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT THE VIOLATION OF
24 THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS WAS COMMITTED
25 WITHOUT THE OWNER'S ACTUAL KNOWLEDGE.

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

31 (2) A MOTOR VEHICLE MAY NOT BE FORFEITED UNDER THIS
32 SUBTITLE FOR AN ACT OR OMISSION THAT THE OWNER SHOWS WAS COMMITTED OR

1 OMITTED BY A PERSON OTHER THAN THE OWNER WHILE THE PERSON OTHER THAN
2 THE OWNER POSSESSED THE MOTOR VEHICLE IN CRIMINAL VIOLATION OF FEDERAL
3 LAW OR THE LAW OF ANY STATE.

4 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, REAL PROPERTY USED
5 AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER THIS
6 SUBTITLE UNLESS ONE OF THE OWNERS OF THE REAL PROPERTY WAS CONVICTED
7 OF A VIOLATION OF THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS OR
8 OF AN ATTEMPT OR CONSPIRACY TO VIOLATE THE LAW AGAINST EXPLOITATION OF
9 VULNERABLE ADULTS.

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

13 (1) THE PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF
14 THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS OR OF AN ATTEMPT OR
15 A CONSPIRACY TO VIOLATE THE LAW AGAINST EXPLOITATION OF VULNERABLE
16 ADULTS; AND

17 (2) BOTH THE HUSBAND AND WIFE ARE CONVICTED OF A VIOLATION
18 OF THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS OR OF AN ATTEMPT
19 OR CONSPIRACY TO VIOLATE THE LAW AGAINST EXPLOITATION OF VULNERABLE
20 ADULTS.

21 13-604.

22 PERSONAL PROPERTY SUBJECT TO FORFEITURE UNDER THIS SUBTITLE MAY
23 BE SEIZED:

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

26 (2) WITHOUT A WARRANT WHEN:

27 (I) THE SEIZURE IS INCIDENT TO AN ARREST OR A SEARCH
28 UNDER A SEARCH WARRANT;

29 (II) THE SEIZURE IS INCIDENT TO AN INSPECTION UNDER AN
30 ADMINISTRATIVE INSPECTION WARRANT;

31 (III) THE PROPERTY SUBJECT TO SEIZURE HAS BEEN THE
32 SUBJECT OF A PRIOR JUDGMENT IN FAVOR OF THE STATE IN A CRIMINAL
33 INJUNCTION OR FORFEITURE PROCEEDING UNDER THIS SUBTITLE; OR

1 (IV) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE
2 PROPERTY IS DIRECTLY OR INDIRECTLY DANGEROUS TO HEALTH OR SAFETY.

3 **13-605.**

4 (A) A SEIZING AUTHORITY THAT SEIZES MONEY UNDER THIS SUBTITLE
5 IMMEDIATELY SHALL:

6 (1) PHOTOGRAPH THE MONEY AND RECORD THE QUANTITY OF EACH
7 DENOMINATION OF COIN OR CURRENCY SEIZED; AND

8 (2) DEPOSIT THE MONEY TO THE ACCOUNT OF THE APPROPRIATE
9 LOCAL FINANCIAL AUTHORITY.

10 (B) A PHOTOGRAPH TAKEN UNDER SUBSECTION (A) OF THIS SECTION MAY
11 BE SUBSTITUTED FOR MONEY AS EVIDENCE IN A CRIMINAL OR FORFEITURE
12 PROCEEDING.

13 **13-606.**

14 (A) PROPERTY SEIZED UNDER THIS SUBTITLE:

15 (1) IS NOT REPLEVIABLE; BUT

16 (2) IS IN THE CUSTODY OF THE SEIZING AUTHORITY, SUBJECT ONLY
17 TO THE ORDERS, JUDGMENTS, AND DECREES OF THE COURT OR THE OFFICIAL
18 HAVING JURISDICTION OVER THE PROPERTY.

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

21 **13-607.**

22 (A) A SEIZING AUTHORITY MAY SEIZE A MOTOR VEHICLE USED IN
23 VIOLATION OF THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS AND
24 RECOMMEND FORFEITURE TO THE FORFEITING AUTHORITY IF THE TOTAL
25 CIRCUMSTANCES OF THE CASE AS LISTED IN SUBSECTION (B) OF THIS SECTION
26 DICTATE THAT SEIZURE AND FORFEITURE ARE JUSTIFIED.

27 (B) CIRCUMSTANCES TO BE CONSIDERED IN DECIDING WHETHER SEIZURE
28 AND FORFEITURE ARE JUSTIFIED INCLUDE:

1 (1) EVIDENCE THAT THE MOTOR VEHICLE WAS ACQUIRED BY USE OF
2 PROCEEDS FROM A TRANSACTION INVOLVING A VIOLATION OF THE LAW AGAINST
3 EXPLOITATION OF VULNERABLE ADULTS;

4 (2) THE CIRCUMSTANCES OF THE ARREST; AND

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

6 **13-608.**

7 (A) THE CHIEF LAW ENFORCEMENT OFFICER OF THE SEIZING AUTHORITY
8 THAT SEIZES A MOTOR VEHICLE USED IN VIOLATION OF THE LAW AGAINST
9 EXPLOITATION OF VULNERABLE ADULTS MAY RECOMMEND TO THE APPROPRIATE
10 FORFEITING AUTHORITY IN WRITING THAT THE MOTOR VEHICLE BE FORFEITED
11 ONLY IF THE OFFICER:

12 (1) DETERMINES FROM THE RECORDS OF THE MOTOR VEHICLE
13 ADMINISTRATION THE NAMES AND ADDRESSES OF ALL REGISTERED OWNERS AND
14 SECURED PARTIES AS DEFINED IN THE CODE;

15 (2) PERSONALLY REVIEWS THE FACTS AND CIRCUMSTANCES OF THE
16 SEIZURE; AND

17 (3) PERSONALLY DETERMINES, ACCORDING TO THE STANDARDS
18 LISTED IN § 13-607 OF THIS SUBTITLE, AND REPRESENTS IN WRITING THAT
19 FORFEITURE IS WARRANTED.

20 (B) A SWORN AFFIDAVIT BY THE CHIEF LAW ENFORCEMENT OFFICER THAT
21 THE OFFICER FOLLOWED THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION
22 IS ADMISSIBLE IN EVIDENCE IN A PROCEEDING UNDER THIS SUBTITLE.

23 **13-609.**

24 (A) THE FORFEITING AUTHORITY SHALL SURRENDER THE MOTOR VEHICLE
25 ON REQUEST TO THE OWNER IF THE FORFEITING AUTHORITY DETERMINES,
26 INDEPENDENT OF THE DECISION OF THE SEIZING AUTHORITY, THAT THE TOTAL
27 CIRCUMSTANCES OF THE CASE AS LISTED UNDER § 13-607(B) OF THIS SUBTITLE DO
28 NOT JUSTIFY FORFEITURE.

29 (B) IN A PROCEEDING UNDER THIS SUBTITLE, THE COURT MAY DETERMINE,
30 BASED ON THE CIRCUMSTANCES LISTED IN § 13-607(B) OF THIS SUBTITLE,
31 WHETHER THE SEIZING AUTHORITY OR FORFEITING AUTHORITY ABUSED ITS
32 DISCRETION OR WAS CLEARLY ERRONEOUS:

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

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

4 13-610.

5 (A) (1) EXCEPT AS PROVIDED IN §§ 13-612 AND 13-613 OF THIS
6 SUBTITLE, AN OWNER OF SEIZED PROPERTY WHO WISHES TO OBTAIN POSSESSION
7 OF THE PROPERTY, CONVEY AN INTEREST IN REAL PROPERTY, OR REMOVE A
8 BUILDING OR FIXTURE FROM REAL PROPERTY SHALL NOTIFY THE CLERK OF THE
9 PROPER COURT.

10 (2) IF FORFEITURE PROCEEDINGS HAVE BEGUN, THE PROPER COURT
11 IS THE COURT IN WHICH THE PROCEEDINGS HAVE BEGUN.

12 (3) IF CRIMINAL PROCEEDINGS HAVE BEGUN BUT FORFEITURE
13 PROCEEDINGS HAVE NOT BEGUN, THE PROPER COURT IS THE COURT IN WHICH THE
14 CRIMINAL PROCEEDINGS HAVE BEGUN.

15 (4) IF BOTH FORFEITURE PROCEEDINGS AND CRIMINAL
16 PROCEEDINGS HAVE NOT BEGUN, THE PROPER COURT IS THE CIRCUIT COURT FOR
17 THE COUNTY IN WHICH THE PROPERTY WAS SEIZED.

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

21 (I) THE COURT SHALL APPRAISE THE VALUE OF THE MOTOR
22 VEHICLE ON THE BASIS OF THE AVERAGE VALUE OF THE MOTOR VEHICLE SET
23 FORTH IN THE NATIONAL AUTOMOBILE DEALERS ASSOCIATION OFFICIAL USED
24 CAR GUIDE; OR

25 (II) IF THE OWNER SHOWS THAT A LIEN IS ON THE MOTOR
26 VEHICLE AND THE OWNER AGREES TO MAKE THE REQUIRED PAYMENTS TO THE
27 LIENHOLDER, THE COURT SHALL REQUIRE A BOND IN AN AMOUNT OF THE AVERAGE
28 VALUE OF THE MOTOR VEHICLE SET FORTH IN THE NATIONAL AUTOMOBILE
29 DEALERS ASSOCIATION OFFICIAL USED CAR GUIDE, LESS THE AMOUNT OWED ON
30 THE LIEN.

31 (2) FOR A MOTOR VEHICLE, THE COURT SHALL APPRAISE THE VALUE
32 IN THE MANNER PROVIDED IN THIS SUBSECTION AND PROVIDE THE APPRAISAL IN
33 WRITING TO THE CLERK OF THE COURT.

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

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

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

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

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

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

14 **(I) THE APPRAISED VALUE OF THE PROPERTY PLUS ANY**
15 **ACCRUED COSTS; OR**

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

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

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

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

25 **(II) SHALL BE FILED IN THE DISTRICT COURT OR CIRCUIT**
26 **COURT IN WHICH THE CRIMINAL ACTION THAT GAVE RISE TO THE SEIZURE IS**
27 **PENDING; AND**

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

1 **(4) IF A CRIMINAL ACTION IS NOT PENDING OR A FORFEITURE**
2 **COMPLAINT HAS NOT BEEN FILED, THE BOND SHALL BE FILED IN THE DISTRICT**
3 **COURT OR CIRCUIT COURT IN WHICH THE PROPERTY WAS SEIZED.**

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

8 **(2) PAYMENT OF THE AMOUNT OF THE BOND SHALL BE APPLIED AS**
9 **PROVIDED UNDER § 13-628(C)(3) OF THIS SUBTITLE.**

10 **13-611.**

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

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

13 **(2) OF A NOTICE OF PENDING LITIGATION IN THE CIRCUIT COURT OF**
14 **THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED.**

15 **13-612.**

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

19 **(B) THE FORFEITING AUTHORITY MAY APPLY TO THE COURT FOR THE**
20 **APPOINTMENT OF A RECEIVER TO APPLY INCOME FROM INCOME-PRODUCING**
21 **PROPERTY.**

22 **(C) IF A PERSON WHO IS AN OWNER OR AN OWNER'S TENANT REMAINS IN**
23 **POSSESSION OF THE REAL PROPERTY AND THE PERSON'S INTEREST IN THE REAL**
24 **PROPERTY IS FORFEITED, THE PERSON IMMEDIATELY SHALL SURRENDER THE REAL**
25 **PROPERTY TO THE SEIZING AUTHORITY IN SUBSTANTIALLY THE SAME CONDITION**
26 **AS WHEN SEIZED.**

27 **13-613.**

28 **(A) THIS SECTION DOES NOT APPLY IF:**

29 **(1) AN ACT IS AGREED TO BY A FORFEITING AUTHORITY OR IS**
30 **ORDERED BY THE COURT; OR**

1 **(2) AN OWNER POSTS A BOND UNDER § 13-610 OF THIS SUBTITLE.**

2 **(B) UNTIL THE COURT ENTERS JUDGMENT IN FAVOR OF THE OWNER, AN**
3 **OWNER MAY NOT ATTEMPT:**

4 **(1) TO CONVEY OR ENCUMBER AN INTEREST IN SEIZED REAL**
5 **PROPERTY; OR**

6 **(2) TO REMOVE A BUILDING OR FIXTURE ON SEIZED REAL PROPERTY.**

7 **13-614.**

8 **EXCEPT AS PROVIDED IN § 13-617(C) OF THIS SUBTITLE, IF PROPERTY IS**
9 **SEIZED UNDER § 13-604(2)(IV) OF THIS SUBTITLE BECAUSE THERE IS PROBABLE**
10 **CAUSE TO BELIEVE THAT THE PROPERTY IS DIRECTLY OR INDIRECTLY DANGEROUS**
11 **TO HEALTH OR SAFETY AND THAT THE PROPERTY WAS OR WILL BE USED TO VIOLATE**
12 **THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS, FORFEITURE**
13 **PROCEEDINGS UNDER THIS SUBTITLE SHALL BE FILED PROMPTLY.**

14 **13-615.**

15 **EXCEPT AS PROVIDED IN § 13-616 OF THIS SUBTITLE, THE APPROPRIATE**
16 **FORFEITING AUTHORITY SHALL FILE PROCEEDINGS UNDER THIS SUBTITLE IN THE**
17 **CIRCUIT COURT.**

18 **13-616.**

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

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

25 **13-617.**

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

29 **(1) 90 DAYS AFTER THE SEIZURE; OR**

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

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

5 **(C) (1) A PROCEEDING ABOUT MONEY SHALL BE FILED WITHIN 90 DAYS**
6 **AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS THAT ARISE OUT OF**
7 **THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS.**

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

12 **(3) IF THE OWNER FAILS TO ASK FOR THE RETURN OF THE MONEY**
13 **WITHIN 1 YEAR AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS, THE**
14 **MONEY SHALL REVERT TO:**

15 **(I) THE POLITICAL SUBDIVISION IN WHICH THE MONEY WAS**
16 **SEIZED; OR**

17 **(II) THE STATE IF THE MONEY WAS SEIZED BY STATE**
18 **AUTHORITIES.**

19 **13-618.**

20 **(A) A COMPLAINT SEEKING FORFEITURE SHALL CONTAIN:**

21 **(1) A DESCRIPTION OF THE PROPERTY SEIZED;**

22 **(2) THE DATE AND PLACE OF THE SEIZURE;**

23 **(3) THE NAME OF THE OWNER IF KNOWN;**

24 **(4) THE NAME OF THE PERSON IN POSSESSION IF KNOWN;**

25 **(5) THE NAME OF EACH LIENHOLDER IF KNOWN OR REASONABLY**
26 **SUBJECT TO DISCOVERY;**

27 **(6) AN ALLEGATION THAT THE PROPERTY IS SUBJECT TO**
28 **FORFEITURE;**

1 **(7) IF THE FORFEITING AUTHORITY SEEKS TO FORFEIT A**
2 **LIENHOLDER’S INTEREST IN PROPERTY, AN ALLEGATION THAT THE LIEN WAS**
3 **CREATED WITH ACTUAL KNOWLEDGE THAT THE PROPERTY WAS BEING OR WAS TO**
4 **BE USED IN VIOLATION OF THE LAW AGAINST EXPLOITATION OF VULNERABLE**
5 **ADULTS;**

6 **(8) A STATEMENT OF THE FACTS AND CIRCUMSTANCES**
7 **SURROUNDING THE SEIZURE;**

8 **(9) A STATEMENT SETTING FORTH THE SPECIFIC GROUNDS FOR**
9 **FORFEITURE; AND**

10 **(10) AN OATH OR AFFIRMATION BY THE FORFEITING AUTHORITY THAT**
11 **THE CONTENTS OF THE COMPLAINT ARE TRUE TO THE BEST OF THE FORFEITING**
12 **AUTHORITY’S KNOWLEDGE, INFORMATION, AND BELIEF.**

13 **(B) WITHIN 20 DAYS AFTER THE FILING OF THE COMPLAINT, COPIES OF THE**
14 **SUMMONS AND COMPLAINT SHALL BE SENT BY CERTIFIED MAIL REQUESTING**
15 **“RESTRICTED DELIVERY – SHOW TO WHOM, DATE, ADDRESS OF DELIVERY” AND**
16 **FIRST-CLASS MAIL TO ALL KNOWN OWNERS AND LIENHOLDERS WHOSE IDENTITIES**
17 **ARE REASONABLY SUBJECT TO DISCOVERY, INCLUDING ALL REAL PROPERTY**
18 **OWNERS AND LIENHOLDERS SHOWN IN THE RECORDS REQUIRED BY LAW FOR**
19 **NOTICE OR PERFECTION OF THE LIEN.**

20 **13-619.**

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

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

23 **(2) DESCRIBE THE SUBSTANCE OF THE COMPLAINT AND THE RELIEF**
24 **SOUGHT;**

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

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

28 **(5) STATE THAT THE OWNER OF THE PROPERTY MAY HAVE**
29 **POSSESSION OF THE PROPERTY PENDING FORFEITURE BY POSTING A BOND AS**
30 **PROVIDED IN § 13-610 OF THIS SUBTITLE; AND**

31 **(6) INDICATE WHERE TO FILE A RESPONSE AND WHOM TO CONTACT**
32 **FOR MORE INFORMATION CONCERNING THE FORFEITURE.**

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

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

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

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

12 **13-620.**

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

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

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

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

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

21 **13-621.**

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

24 **(1) POSTING OF NOTICE UNDER § 13-619(B)(1) OR (2) OF THIS**
25 **SUBTITLE; OR**

26 **(2) FINAL PUBLICATION OF NOTICE UNDER § 13-619(B)(3) OF THIS**
27 **SUBTITLE.**

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

1 **13-622.**

2 **EXCEPT AS PROVIDED IN §§ 13-603 AND 13-624 OF THIS SUBTITLE, AN**
3 **OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE OWNER OF THE**
4 **REAL PROPERTY IS CONVICTED OF VIOLATING THE LAW AGAINST EXPLOITATION OF**
5 **VULNERABLE ADULTS OR ATTEMPTING OR CONSPIRING TO VIOLATE THE LAW**
6 **AGAINST EXPLOITATION OF VULNERABLE ADULTS.**

7 **13-623.**

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

- 10 **(1) THE CRIMINAL CHARGES ARE PENDING;**
11 **(2) THE OWNER RESIDES; OR**
12 **(3) THE REAL PROPERTY IS LOCATED.**

13 **(B) (1) IF FORFEITURE PROCEEDINGS FOR REAL PROPERTY ARE**
14 **BROUGHT IN A JURISDICTION OTHER THAN WHERE THE REAL PROPERTY IS**
15 **LOCATED, A NOTICE OF PENDING LITIGATION SHALL BE FILED IN THE JURISDICTION**
16 **WHERE THE PROPERTY IS LOCATED.**

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

- 19 **(I) THE NAME AND ADDRESS OF THE OWNER OF THE REAL**
20 **PROPERTY;**
21 **(II) A DESCRIPTION OF THE REAL PROPERTY; AND**
22 **(III) A DESCRIPTION OF THE REASONS FOR THE FILING OF THE**
23 **FORFEITURE PROCEEDINGS AND NOTICE OF PENDING LITIGATION.**

24 **13-624.**

25 **IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY**
26 **RESIDENCE IS CONVICTED UNDER THE LAW AGAINST EXPLOITATION OF**
27 **VULNERABLE ADULTS OR IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO**
28 **VIOLATE THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS AND THE**
29 **OWNER FILES AN APPEAL OF THE CONVICTION, THE COURT SHALL STAY**
30 **FORFEITURE PROCEEDINGS UNDER § 13-603 OF THIS SUBTITLE AGAINST THE REAL**
31 **PROPERTY DURING THE PENDENCY OF THE APPEAL.**

1 **13-625.**

2 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
3 THERE IS A REBUTTABLE PRESUMPTION THAT PROPERTY OR PART OF A PROPERTY
4 IN WHICH A PERSON HAS AN OWNERSHIP INTEREST IS SUBJECT TO FORFEITURE AS
5 PROCEEDS IF THE STATE ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE
6 THAT:

7 (I) THE PERSON WAS CONVICTED OF VIOLATING THE LAW
8 AGAINST EXPLOITATION OF VULNERABLE ADULTS OR ATTEMPTING OR CONSPIRING
9 TO VIOLATE THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS;

10 (II) THE PROPERTY WAS ACQUIRED BY THE PERSON DURING
11 THE VIOLATION OR WITHIN A REASONABLE TIME AFTER THE VIOLATION; AND

12 (III) THERE WAS NO OTHER LIKELY SOURCE FOR THE PROPERTY.

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

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

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

19 (2) § 13-603(D) OF THIS SUBTITLE APPLIES.

20 **13-626.**

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

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

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

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

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

1 **(5) HAS BEEN COMMINGLED WITH OTHER PROPERTY AND CANNOT BE**
2 **DIVIDED WITHOUT DIFFICULTY.**

3 **(B) THE COURT MAY ORDER THE OWNER TO RETURN PROPERTY TO THE**
4 **JURISDICTION OF THE COURT.**

5 **13-627.**

6 **IN A PROCEEDING UNDER THIS SUBTITLE, A COURT:**

7 **(1) MAY GRANT REQUESTS FOR MITIGATION OR REMISSION OF**
8 **FORFEITURE OR TAKE OTHER ACTION THAT PROTECTS THE RIGHTS OF INNOCENT**
9 **PERSONS, IS CONSISTENT WITH THIS SUBTITLE, AND IS IN THE INTEREST OF**
10 **JUSTICE;**

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

12 **(3) MAY TAKE APPROPRIATE MEASURES TO SAFEGUARD AND**
13 **MAINTAIN PROPERTY FORFEITED UNDER THIS SUBTITLE PENDING THE**
14 **DISPOSITION OF THE PROPERTY.**

15 **13-628.**

16 **(A) AFTER A FULL HEARING, IF THE COURT DETERMINES THAT THE**
17 **PROPERTY SHOULD NOT BE FORFEITED, THE COURT SHALL ORDER THAT THE**
18 **PROPERTY BE RELEASED.**

19 **(B) SUBJECT TO § 13-629 OF THIS SUBTITLE, IF THE COURT DETERMINES**
20 **THAT THE PROPERTY SHOULD BE FORFEITED, THE COURT SHALL ORDER THAT THE**
21 **PROPERTY BE FORFEITED TO THE APPROPRIATE GOVERNING BODY.**

22 **(C) (1) IF THE COURT DETERMINES THAT THE FORFEITED PROPERTY IS**
23 **SUBJECT TO A VALID LIEN CREATED WITHOUT ACTUAL KNOWLEDGE OF THE**
24 **LIENHOLDER THAT THE PROPERTY WAS BEING OR WAS TO BE USED IN VIOLATION**
25 **OF THE LAW AGAINST EXPLOITATION OF VULNERABLE ADULTS, THE COURT SHALL**
26 **ORDER THAT THE PROPERTY BE RELEASED WITHIN 5 DAYS TO THE FIRST PRIORITY**
27 **LIENHOLDER.**

28 **(2) THE LIENHOLDER SHALL SELL THE PROPERTY IN A**
29 **COMMERCIALY REASONABLE MANNER.**

30 **(3) THE PROCEEDS OF THE SALE SHALL BE APPLIED AS FOLLOWS:**

31 **(I) TO THE COURT COSTS OF THE FORFEITURE PROCEEDING;**

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

3 (III) TO PAYMENT OF ALL OTHER EXPENSES OF THE
4 PROCEEDINGS FOR FORFEITURE, INCLUDING EXPENSES OF SEIZURE OR
5 MAINTENANCE OF CUSTODY; AND

6 (IV) TO THE GENERAL FUND OF THE STATE OR OF THE
7 POLITICAL SUBDIVISION THAT SEIZED THE PROPERTY.

8 **13-629.**

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

11 (1) KEEP THE PROPERTY FOR OFFICIAL USE;

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

14 (3) SELL THE PROPERTY IF:

15 (I) THE LAW DOES NOT REQUIRE THE PROPERTY TO BE
16 DESTROYED; AND

17 (II) THE PROPERTY IS NOT HARMFUL TO THE PUBLIC.

18 **13-630.**

19 (A) THE PROCEEDS FROM A SALE OR THE RETENTION OF PROPERTY
20 DECLARED TO BE FORFEITED AND ANY INTEREST ACCRUED SHALL BE APPLIED
21 FIRST TO THE PROPER EXPENSES OF THE PROCEEDING FOR FORFEITURE AND
22 RESULTING SALE, INCLUDING THE EXPENSE OF SEIZING AND MAINTAINING
23 CUSTODY OF THE PROPERTY AND ADVERTISING.

24 (B) ANY BALANCE REMAINING AFTER THE DISTRIBUTION REQUIRED UNDER
25 SUBSECTION (A) OF THIS SECTION SHALL BE DISTRIBUTED TO THE GENERAL FUND
26 OF THE STATE OR OF THE POLITICAL SUBDIVISION THAT SEIZED THE PROPERTY.

27 **13-631.**

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

1 **13-632.**

2 (A) BEFORE EXERCISING THE RIGHT TO SELL PROPERTY THAT HAS BEEN
3 SEIZED UNDER THIS SUBTITLE, A LIENHOLDER SHALL GIVE TO THE FORFEITING
4 AUTHORITY:

5 (1) WRITTEN NOTICE OF THE INTENTION TO SELL;

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

7 (3) AN AFFIDAVIT UNDER OATH BY THE LIENHOLDER:

8 (I) STATING THAT THE UNDERLYING OBLIGATION IS IN
9 DEFAULT; AND

10 (II) STATING THE REASONS FOR THE DEFAULT.

11 (B) ON REQUEST OF THE LIENHOLDER, THE FORFEITING AUTHORITY SHALL
12 RELEASE THE PROPERTY TO THE LIENHOLDER.

13 **13-633.**

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

18 (B) A LIENHOLDER MAY NOT BE REQUIRED TO TAKE POSSESSION OF THE
19 PROPERTY BEFORE THE SALE OF THE PROPERTY.

20 **13-634.**

21 (A) ANY PART OF THE PROCEEDS FROM A SALE OF PROPERTY THAT HAS
22 BEEN SEIZED UNDER THIS SUBTITLE THAT WOULD BE PAID TO AN OWNER OF THE
23 PROPERTY UNDER THE APPLICABLE LAW RELATING TO DISTRIBUTION OF
24 PROCEEDS SHALL:

25 (1) BE PAID TO THE SEIZING AUTHORITY; AND

26 (2) BE PROPERTY SUBJECT TO FORFEITURE.

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

1 **13-635.**

2 (A) IF THE INTEREST OF THE OWNER IN PROPERTY THAT HAS BEEN SEIZED
3 UNDER THIS SUBTITLE IS REDEEMED, THE LIENHOLDER SHALL MAIL A NOTICE OF
4 THE REDEMPTION TO THE FORFEITING AUTHORITY WITHIN 10 DAYS AFTER THE
5 REDEMPTION.

6 (B) (1) IF PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE HAS
7 BEEN REPOSSESSED OR OTHERWISE LAWFULLY TAKEN BY THE LIENHOLDER, THE
8 LIENHOLDER SHALL RETURN THE PROPERTY TO THE SEIZING AUTHORITY WITHIN
9 21 DAYS AFTER THE REDEMPTION.

10 (2) THE SEIZING AUTHORITY AND THE FORFEITING AUTHORITY MAY
11 THEN PROCEED WITH THE FORFEITURE OF THE PROPERTY OR THE PROCEEDS FROM
12 THE SALE OF THE PROPERTY.

13 (C) TIME LIMITATIONS REQUIRED UNDER THIS SUBTITLE FOR NOTICE AND
14 FILING OF THE COMPLAINT FOR FORFEITURE RUN FROM THE DATE OF REDEMPTION
15 OR PURCHASE OF THE PROPERTY THAT HAS BEEN SEIZED UNDER THIS SUBTITLE.

16 **13-636.**

17 THIS SUBTITLE DOES NOT PROHIBIT A LIENHOLDER FROM EXERCISING
18 RIGHTS UNDER APPLICABLE LAW, INCLUDING THE RIGHT TO SELL PROPERTY THAT
19 HAS BEEN SEIZED UNDER THIS SUBTITLE IF A DEFAULT OCCURS IN THE OBLIGATION
20 GIVING RISE TO THE LIEN.

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2015.