

**SB0161/673827/1**

BY: Conference Committee

AMENDMENTS TO SENATE BILL 161  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “circumstances;” insert “repealing a certain provision authorizing the forfeiture of certain money or weapons relating to possession of a controlled dangerous substance; requiring that a certain seizing authority provide a receipt for property on seizure that includes certain information; requiring that a certain seizing authority mail notice with certain information to the owner of seized property within a certain time; authorizing the owner of certain seized property to make a request for return of the seized property within a certain time; requiring a seizing authority to take certain actions in response to a certain request; altering the circumstances by which a certain law enforcement agency may transfer seized property to a certain federal law enforcement agency; prohibiting the construction of a certain provision of law in a certain manner; altering the time in which a complaint for forfeiture of money must be filed; requiring that a certain forfeiting authority return property to an owner if a complaint for forfeiture is not filed in a certain time under certain circumstances; prohibiting the use of a certain statement regarding seized property from use in a criminal prosecution except under certain circumstances; requiring that a certain amount of forfeiture proceeds be appropriated to the Department of Health and Mental Hygiene to fund certain drug programs;”.

On pages 1 and 2, strike beginning with “authorizing” in line 20 on page 1 down through “programs;” in line 18 on page 2, inclusive.

On page 2, strike in their entirety lines 42 through 46, inclusive.

On page 3, in line 19, strike “12-304.1, 12-313,” and substitute “12-313”.

AMENDMENT NO. 2

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On pages 3 and 4, strike in their entirety the lines beginning with line 31 on page 3 through line 15 on page 4, inclusive.

AMENDMENT NO. 3

On page 5, in line 1, strike “money”; in the same line, strike “or”; in line 3, after the first comma insert “OR”; and in the same line, strike “, or possession”.

AMENDMENT NO. 4

On page 7, in line 30, strike “THAT INCLUDES PROOF OF OWNERSHIP,”.

On page 8, strike beginning with the colon in line 17 down through “(2)” in line 19; and in line 26, strike “THAT INCLUDES PROOF OF OWNERSHIP”.

AMENDMENT NO. 5

On page 9, in line 5, strike “OR”; after line 5, insert:

**“(III) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL RETAIN IT FOR EVIDENTIARY PURPOSES UNTIL AFTER THE CONCLUSION OF A CRIMINAL CASE; OR”;**

and in line 6, strike “(III)” and substitute “(IV)”.

AMENDMENT NO. 6

On page 10, strike beginning with “(A)” in line 17 down through “(B)” in line 23; and after line 27, insert:

**“(3) THE PROPERTY IS CASH OF AT LEAST \$50,000; OR**

**“(4) THE SEIZING AUTHORITY TRANSFERS THE PROPERTY TO A FEDERAL AUTHORITY UNDER A FEDERAL SEIZURE WARRANT ISSUED TO TAKE CUSTODY OF ASSETS ORIGINALLY SEIZED UNDER STATE LAW.”.**

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On pages 10 and 11, strike in their entirety the lines beginning with line 28 on page 10 through line 3 on page 11, inclusive.

On page 11, in line 5, strike “SUBSECTION” and substitute “SUBSECTIONS”; in the same line, after “(b)” insert “, (C), AND (D)”; in line 6, strike “AND § 12-304.1 OF THIS SUBTITLE”; in line 13, strike “(1)”; and strike in their entirety lines 18 through 28 and substitute:

“(D) (1) A proceeding about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the Controlled Dangerous Substances law.

(2) If the State or a political subdivision does not file proceedings about money within the 90-day period, the money seized under this title shall be returned to the owner on request by the owner.

(3) If the owner fails to ask the return of the money within 1 year after the final disposition of criminal proceedings, as provided under § 12-403 of this title, the money shall revert to:

(i) the political subdivision in which the money was seized; or

(ii) the State, if the money was seized by State authorities.

12-312.

(a) Except as provided in subsection (b) of this section, property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

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(1) the person has violated §§ 5–602 through 5–609, §§ 5–612 through 5–614, § 5–617, § 5–618, or § 5–628 of the Criminal Law Article or has attempted or conspired to violate Title 5 of the Criminal Law Article;

(2) the property was acquired by the person during the violation or within a reasonable time after the violation; and

(3) there was no other likely source for the property.

(b) Real property used as the principal family residence may not be forfeited under this section unless:

(1) an owner of the real property was convicted of a crime described under subsection (a)(1) of this section; or

(2) the real property is covered by § 12–103(d)(2) of this title.”.

On pages 11 through 13, strike in their entirety the lines beginning with line 29 on page 11 through line 11 on page 13, inclusive.

AMENDMENT NO. 7

On page 15, in line 16, strike “AND”; after line 16, insert:

**“(8) THE RACE AND GENDER OF THE PERSON OR PERSONS FROM WHOM THE PROPERTY WAS SEIZED, IF KNOWN; AND”;**

and in line 17, strike “**(8)**” and substitute “**(9)**”.