

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 265

(Chair, Anne Arundel County Senators)(By Request -
County Executive)

Judicial Proceedings

Anne Arundel County - Personal Property - Possession and Release

This bill authorizes a local law enforcement agency in Anne Arundel County to retain, donate, or dispose of personal property in the possession of the agency, as specified, after the property has been in the possession of the agency for three months and is no longer needed for a prosecution or, if the property is not connected with a prosecution, retention is no longer relevant to the agency.

Fiscal Summary

State Effect: None.

Local Effect: The bill's changes can be handled with existing resources. Revenues are not anticipated to be materially affected.

Small Business Effect: None.

Analysis

Bill Summary: In Anne Arundel County, after personal property has been in the possession of a local law enforcement agency for three months and the agency determines that the property is no longer needed in connection with a prosecution or retention of the property is no longer relevant to the agency, in addition to selling the property at auction, the local law enforcement agency may retain the property for use by the county, donate the property to a nonprofit organization, or dispose of the property in a manner determined by the county, if the property has no or nominal value. Before retention, donation, or disposal of the property, the local law enforcement agency must give notice of the retention,

donation, or disposal of the property by registered or certified mail to specified persons. If the personal property is retained or donated, the certificate of the local law enforcement agency that the personal property has been retained or donated is sufficient evidence of title to the property for all purposes, including the right to obtain a certificate of title or registration from an appropriate unit of the State.

Current Law: A county or municipal law enforcement agency must hold personal property that comes into the possession of the agency until the agency determines that the property is no longer needed for a prosecution or, if the property is not connected with a prosecution, retention is no longer relevant to the agency. After such a determination is made, the local law enforcement agency must notify the owner of the property that the agency is in possession of the property. After notification, the owner of the property has up to 30 days to secure the immediate release of the property to the owner or the owner's designee with proper identification.

At any time after personal property has been in the possession of a local law enforcement agency for three months and after the agency determines that the property is no longer needed for a prosecution or, if the property is not connected with a prosecution, retention is no longer relevant to the agency, the local law enforcement agency is required to:

- give notice of the sale of the property by registered or certified mail to persons entitled to its possession and to lienholders whose names and addresses can be ascertained; and
- publish a description of the property and the time, place, and terms of its sale in a newspaper of general circulation in the county or municipality for two successive weeks.

A local law enforcement agency may subsequently sell the property at public auction, as specified. The distribution of any proceeds from a sale is required to be made in a specified priority order.

At any time within three years after the date of a sale, a person who submits satisfactory proof of the right to possession of the property must be paid, without interest, the amount distributed to a county or municipal general fund. Such a claim is barred if more than three years have passed.

These provisions do not create or recognize any cause, action, or defense or abridge any immunity now or in the future held by a local law enforcement agency or an employee of a local law enforcement agency. These provisions do not apply to (1) personal property purchased or otherwise acquired for use by a local law enforcement agency or to contraband or (2) personal property retained for use as evidence in a criminal prosecution.

In addition, the provisions do not supersede statutory provisions governing seizure and forfeiture.

Additional Information

Prior Introductions: None.

Cross File: HB 429 (Chair, Anne Arundel County Delegation)(By Request - County Executive) - Judiciary.

Information Source(s): Anne Arundel County; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2018
nb/lgc

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