

HOUSE BILL 1138

E1, E2

3lr2592

By: **Delegates Toles, Williams, Charles, Smith, and Taylor**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Maryland RICO (Racketeer Influenced and Corrupt**
3 **Organizations) Act**

4 FOR the purpose of establishing the statute of limitations for a certain civil action for
5 damages resulting from a certain pattern of racketeering activity; prohibiting a
6 person from participating in certain racketeering activity; authorizing the filing of
7 and establishing procedures for civil actions for injunctive relief and damages arising
8 out of certain racketeering activity; establishing procedures for the forfeiture of
9 property connected to certain racketeering activity; and generally relating to
10 racketeering.

11 BY adding to
12 Article – Courts and Judicial Proceedings
13 Section 5–122
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2022 Supplement)

16 BY adding to
17 Article – Criminal Law
18 Section 9–901 through 9–907 to be under the new subtitle “Subtitle 9. Maryland
19 RICO (Racketeer Influenced and Corrupt Organizations) Act”
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2022 Supplement)

22 BY adding to
23 Article – Criminal Procedure
24 Section 13–601 through 13–637 to be under the new subtitle “Subtitle 6. Violations
25 of the RICO Law”
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Courts and Judicial Proceedings

5–122.

A CIVIL ACTION FOR DAMAGES RESULTING FROM A PATTERN OF
RACKETEERING ACTIVITY BROUGHT UNDER § 9–903 OF THE CRIMINAL LAW
ARTICLE SHALL BE BROUGHT WITHIN 5 YEARS AFTER THE CONDUCT IN VIOLATION
OF § 9–902 OF THE CRIMINAL LAW ARTICLE TERMINATES.

Article – Criminal Law

**SUBTITLE 9. MARYLAND RICO (RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS) ACT.**

9–901.

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

(B) “CRITICAL INFRASTRUCTURE” MEANS PUBLICLY OR PRIVATELY OWNED
FACILITIES, SYSTEMS, FUNCTIONS, OR ASSETS, WHETHER PHYSICAL OR VIRTUAL,
PROVIDING OR DISTRIBUTING SERVICES FOR THE BENEFIT OF THE PUBLIC,
INCLUDING ENERGY, FUEL, WATER, AGRICULTURE, HEALTH CARE, FINANCE, OR
COMMUNICATION.

(C) “DOMESTIC TERRORISM” MEANS A FELONY VIOLATION OF, OR ATTEMPT
TO COMMIT A FELONY VIOLATION OF, STATE LAW THAT, AS PART OF A SINGLE
UNLAWFUL ACT OR A SERIES OF UNLAWFUL ACTS THAT ARE INTERRELATED BY
DISTINGUISHING CHARACTERISTICS, IS INTENDED TO CAUSE SERIOUS BODILY
HARM, KILL AN INDIVIDUAL OR GROUP OF INDIVIDUALS, OR DISABLE OR DESTROY
CRITICAL INFRASTRUCTURE, A STATE OR GOVERNMENT FACILITY, OR A PUBLIC
TRANSPORTATION SYSTEM RESULTING IN MAJOR ECONOMIC LOSS, AND IS
INTENDED TO:

(1) INTIMIDATE THE CIVILIAN POPULATION OF THE STATE OR A
POLITICAL SUBDIVISION OF THE STATE;

(2) ALTER, CHANGE, OR COERCE THE POLICY OF THE GOVERNMENT
OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE BY INTIMIDATION OR
COERCION; OR

(3) AFFECT THE CONDUCT OF THE GOVERNMENT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE BY USE OF DESTRUCTIVE DEVICES, ASSASSINATION, OR KIDNAPPING.

(D) (1) "ENTERPRISE" MEANS:

(I) A PERSON, SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, BUSINESS TRUST, UNION CHARTERED UNDER THE LAWS OF THE STATE, OR ANY OTHER LEGAL ENTITY; OR

(II) AN UNCHARTERED UNION, AN ASSOCIATION, OR A GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT A LEGAL ENTITY.

(2) "ENTERPRISE" INCLUDES ENTITIES THAT ARE:

(I) ILLICIT AS WELL AS LICIT; AND

(II) GOVERNMENTAL AS WELL AS NONGOVERNMENTAL.

(E) "PATTERN OF RACKETEERING ACTIVITY" MEANS ENGAGING IN:

(1) AT LEAST TWO ACTS OF RACKETEERING ACTIVITY WITHIN A 4-YEAR PERIOD IN FURTHERANCE OF ONE OR MORE INCIDENTS, SCHEMES, OR TRANSACTIONS THAT HAVE THE SAME OR SIMILAR INTENTS, RESULTS, ACCOMPLICES, VICTIMS, OR METHODS OF COMMISSION OR OTHERWISE ARE INTERRELATED BY DISTINGUISHING CHARACTERISTICS AND ARE NOT ISOLATED INCIDENTS; OR

(2) ONE OR MORE ACTS OF DOMESTIC TERRORISM OR OF ATTEMPTING, SOLICITING, OR CONSPIRING TO COMMIT DOMESTIC TERRORISM.

(F) "PUBLIC TRANSPORTATION SYSTEM" MEANS ALL FACILITIES, CONVEYANCES, AND INSTRUMENTALITIES, WHETHER PUBLICLY OR PRIVATELY OWNED, THAT ARE USED IN OR FOR PUBLICLY AVAILABLE SERVICES FOR THE TRANSPORTATION OF INDIVIDUALS OR CARGO.

(G) "RACKETEERING ACTIVITY" MEANS TO COMMIT, ATTEMPT TO COMMIT, OR SOLICIT, COERCE, OR INTIMIDATE ANOTHER PERSON TO COMMIT A CRIME UNDER STATE LAW THAT IS CHARGEABLE BY INDICTMENT INVOLVING:

(1) UNLAWFUL MANUFACTURING OF ALCOHOLIC BEVERAGES UNDER § 1-403 OF THE ALCOHOLIC BEVERAGES ARTICLE;

1 **(2) THE MARYLAND SECURITIES ACT UNDER TITLE 11 OF THE**
2 **CORPORATIONS AND ASSOCIATIONS ARTICLE;**

3 **(3) HOMICIDE UNDER TITLE 2 OF THIS ARTICLE;**

4 **(4) ASSAULT UNDER § 3-202 OR § 3-203 OF THIS ARTICLE;**

5 **(5) KIDNAPPING UNDER TITLE 3, SUBTITLE 5 OF THIS ARTICLE;**

6 **(6) COMMON LAW FALSE IMPRISONMENT;**

7 **(7) PROSTITUTION AND RELATED OFFENSES UNDER TITLE 11,**
8 **SUBTITLE 3 OF THIS ARTICLE;**

9 **(8) HUMAN TRAFFICKING UNDER TITLE 3, SUBTITLE 11 OF THIS**
10 **ARTICLE;**

11 **(9) BURGLARY UNDER TITLE 6, SUBTITLE 2 OF THIS ARTICLE;**

12 **(10) ARSON AND BURNING UNDER TITLE 6, SUBTITLE 1 OF THIS**
13 **ARTICLE;**

14 **(11) THEFT UNDER TITLE 7 OF THIS ARTICLE;**

15 **(12) ROBBERY UNDER TITLE 3, SUBTITLE 4 OF THIS ARTICLE;**

16 **(13) THE MARYLAND MORTGAGE FRAUD PROTECTION ACT UNDER**
17 **TITLE 7, SUBTITLE 4 OF THE REAL PROPERTY ARTICLE;**

18 **(14) FRAUD AND RELATED CRIMES UNDER TITLE 8 OF THIS ARTICLE;**

19 **(15) BRIBERY UNDER SUBTITLE 2 OF THIS TITLE;**

20 **(16) FALSE STATEMENTS UNDER SUBTITLE 5 OF THIS TITLE;**

21 **(17) IMPERSONATING A POLICE OFFICER UNDER § 3-502 OF THE**
22 **PUBLIC SAFETY ARTICLE;**

23 **(18) OBSTRUCTING JUSTICE UNDER SUBTITLE 3 OF THIS TITLE;**

24 **(19) PERJURY UNDER SUBTITLE 1 OF THIS TITLE;**

1 **(20) THREAT OF MASS VIOLENCE UNDER TITLE 3, SUBTITLE 10 OF**
2 **THIS ARTICLE;**

3 **(21) WEAPON CRIMES UNDER TITLE 4 OF THIS ARTICLE;**

4 **(22) UNLAWFUL GAMING UNDER TITLE 12 OR TITLE 13 OF THIS**
5 **ARTICLE;**

6 **(23) INDECENCY AND OBSCENITY UNDER TITLE 11, SUBTITLE 1 OR**
7 **SUBTITLE 2 OF THIS ARTICLE;**

8 **(24) THE MARYLAND CONTROLLED DANGEROUS SUBSTANCES ACT**
9 **UNDER TITLE 5, SUBTITLE 11 OF THIS ARTICLE;**

10 **(25) INSURANCE FRAUD UNDER TITLE 27, SUBTITLE 4 OF THE**
11 **INSURANCE ARTICLE;**

12 **(26) THE MARYLAND CONSUMER PROTECTION ACT UNDER TITLE 13**
13 **OF THE COMMERCIAL LAW ARTICLE;**

14 **(27) REMOVAL OR FALSIFICATION OF VEHICLE IDENTIFICATION**
15 **NUMBER UNDER § 14–107 OF THE TRANSPORTATION ARTICLE;**

16 **(28) ABUSE OR NEGLECT OF A VULNERABLE ADULT UNDER § 3–604 OR**
17 **§ 3–605 OF THIS ARTICLE;**

18 **(29) ANY ACT OR THREAT INVOLVING MURDER, KIDNAPPING,**
19 **GAMBLING, ARSON, ROBBERY, THEFT, RECEIPT OF STOLEN PROPERTY, BRIBERY,**
20 **EXTORTION, OBSTRUCTION OF JUSTICE, DEALING IN CONTROLLED DANGEROUS**
21 **SUBSTANCES, OR DEALING IN SECURITIES THAT IS:**

22 **(I) CHARGEABLE UNDER THE LAWS OF THE UNITED STATES, A**
23 **TERRITORY OF THE UNITED STATES, OR ANY STATE; AND**

24 **(II) PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR;**

25 **(30) CONDUCT DEFINED AS “RACKETEERING ACTIVITY” UNDER 18**
26 **U.S.C. § 1961(1);**

27 **(31) A VIOLATION OF 18 U.S.C. § 1028; OR**

28 **(32) A VIOLATION OF 31 U.S.C. §§ 5311 THROUGH 5330.**

(H) "SERIOUS BODILY HARM" MEANS HARM TO THE BODY OF ANOTHER BY DEPRIVING THE OTHER OF A MEMBER OF THE OTHER'S BODY, BY RENDERING A MEMBER OF THE OTHER'S BODY USELESS, OR BY SERIOUSLY DISFIGURING THE OTHER'S BODY OR BODILY MEMBER.

(I) "STATE OR GOVERNMENT FACILITY" MEANS A PERMANENT OR TEMPORARY FACILITY OR CONVEYANCE THAT IS USED OR OCCUPIED BY REPRESENTATIVES, OFFICIALS, OR EMPLOYEES OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

9-902.

(A) A PERSON MAY NOT, THROUGH A PATTERN OF RACKETEERING ACTIVITY OR PROCEEDS DERIVED FROM RACKETEERING ACTIVITY, ACQUIRE OR MAINTAIN, DIRECTLY OR INDIRECTLY, AN INTEREST IN OR CONTROL OF ANY ENTERPRISE, REAL PROPERTY, OR PERSONAL PROPERTY, INCLUDING MONEY.

(B) A PERSON EMPLOYED BY OR ASSOCIATED WITH AN ENTERPRISE MAY NOT CONDUCT OR PARTICIPATE IN, DIRECTLY OR INDIRECTLY, THE ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY.

(C) A PERSON MAY NOT CONSPIRE OR ATTEMPT TO VIOLATE SUBSECTION (A) OR (B) OF THIS SECTION.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 20 YEARS, OR A FINE NOT EXCEEDING THE GREATER OF \$25,000 OR THREE TIMES THE AMOUNT OF ANY PECUNIARY VALUE GAINED BY THE PERSON FROM THE VIOLATION, OR BOTH.

(E) FOR PURPOSES OF VENUE, A VIOLATION OF THIS SECTION IS CONSIDERED TO HAVE BEEN COMMITTED IN ANY COUNTY IN WHICH:

(1) AN INCIDENT OF RACKETEERING OCCURRED; OR

(2) AN INTEREST OR CONTROL OF AN ENTERPRISE OR REAL OR PERSONAL PROPERTY IS ACQUIRED OR MAINTAINED.

9-903.

(A) AN AGGRIEVED PERSON OR THE STATE MAY FILE A COMPLAINT IN CIRCUIT COURT TO ENJOIN A VIOLATION OF § 9-902 OF THIS SUBTITLE.

1 **(B) A COURT MAY, AFTER MAKING DUE PROVISIONS FOR THE RIGHTS OF**
2 **INNOCENT PERSONS, GRANT A COMPLAINT FILED UNDER SUBSECTION (A) OF THIS**
3 **SECTION BY ISSUING APPROPRIATE ORDERS AND JUDGMENTS, INCLUDING:**

4 **(1) ORDERING A DEFENDANT TO DIVEST ANY INTEREST IN AN**
5 **ENTERPRISE, REAL PROPERTY, OR PERSONAL PROPERTY;**

6 **(2) IMPOSING REASONABLE RESTRICTIONS ON THE FUTURE**
7 **ACTIVITIES OR INVESTMENTS OF A DEFENDANT, INCLUDING PROHIBITING THE**
8 **DEFENDANT FROM ENGAGING IN THE SAME TYPE OF ENDEAVOR AS THE**
9 **ENTERPRISE IN WHICH THE DEFENDANT WAS ENGAGED IN VIOLATION OF § 9-902 OF**
10 **THIS SUBTITLE;**

11 **(3) ORDERING THE DISSOLUTION OR REORGANIZATION OF AN**
12 **ENTERPRISE;**

13 **(4) ORDERING THE SUSPENSION OR REVOCATION OF A LICENSE,**
14 **PERMIT, OR PRIOR APPROVAL GRANTED TO AN ENTERPRISE BY A STATE AGENCY;**
15 **AND**

16 **(5) ORDERING THE FORFEITURE OF THE CHARTER OF A**
17 **CORPORATION ORGANIZED UNDER STATE LAW, OR THE REVOCATION OF**
18 **AUTHORIZATION FOR A FOREIGN CORPORATION TO CONDUCT BUSINESS IN THE**
19 **STATE, ON A FINDING THAT:**

20 **(I) THE BOARD OF DIRECTORS OR A MANAGERIAL AGENT**
21 **ACTING ON BEHALF OF THE CORPORATION, IN CONDUCTING AFFAIRS OF THE**
22 **CORPORATION, HAS AUTHORIZED OR ENGAGED IN CONDUCT IN VIOLATION OF §**
23 **9-902 OF THIS SUBTITLE; AND**

24 **(II) FOR THE PREVENTION OF FUTURE CRIMINAL ACTIVITY, THE**
25 **PUBLIC INTEREST REQUIRES THAT THE CHARTER OF THE CORPORATION BE**
26 **FORFEITED AND THAT THE CORPORATION BE DISSOLVED OR ITS AUTHORIZATION**
27 **TO CONDUCT BUSINESS IN THE STATE BE REVOKED.**

28 **(C) (1) IN AN ACTION UNDER THIS SECTION, THE COURT SHALL GRANT**
29 **RELIEF IN CONFORMITY WITH THE PRINCIPLES THAT GOVERN THE GRANTING OF**
30 **INJUNCTIVE RELIEF FROM THREATENED LOSS OR DAMAGE IN OTHER CIVIL CASES,**
31 **IF NO SHOWING OF SPECIAL OR IRREPARABLE DAMAGE TO THE PLAINTIFF IS MADE.**

32 **(2) ON THE EXECUTION OF PROPER BOND AGAINST DAMAGES FOR AN**
33 **INJUNCTION IMPROVIDENTLY GRANTED AND A SHOWING OF IMMEDIATE DANGER OF**
34 **SIGNIFICANT LOSS OR DAMAGE, THE COURT MAY ISSUE A TEMPORARY RESTRAINING**

1 ORDER AND A PRELIMINARY INJUNCTION BEFORE A FINAL DETERMINATION ON THE
2 MERITS.

3 (D) A PERSON WHO IS INJURED AS A RESULT OF A VIOLATION OF § 9-902 OF
4 THIS SUBTITLE:

5 (1) HAS A CIVIL CAUSE OF ACTION AGAINST THE VIOLATOR FOR
6 THREE TIMES THE ACTUAL DAMAGES SUSTAINED AND, WHERE APPROPRIATE,
7 PUNITIVE DAMAGES; AND

8 (2) IS ENTITLED TO RECOVER ATTORNEY'S FEES IN THE TRIAL AND
9 APPELLATE COURTS AND COSTS OF INVESTIGATION AND LITIGATION REASONABLY
10 INCURRED.

11 (E) THE PLAINTIFF OR DEFENDANT MAY DEMAND A JURY TRIAL IN ANY
12 CIVIL ACTION BROUGHT UNDER THIS SECTION.

13 (F) A CRIMINAL CONVICTION FOR A VIOLATION OF § 9-902 OF THIS
14 SUBTITLE SHALL ESTOP THE DEFENDANT IN ANY SUBSEQUENT CIVIL ACTION UNDER
15 THIS SUBTITLE OR CIVIL FORFEITURE PROCEEDING UNDER TITLE 13, SUBTITLE 6
16 OF THE CRIMINAL PROCEDURE ARTICLE AS TO ALL MATTERS PROVED IN THE
17 CRIMINAL PROCEEDING.

18 (G) (1) THE APPLICATION OF ONE CIVIL REMEDY UNDER THIS SECTION
19 SHALL NOT PRECLUDE THE APPLICATION OF ANY OTHER CIVIL OR CRIMINAL
20 REMEDY FOR A VIOLATION OF § 9-902 OF THIS SUBTITLE.

21 (2) CIVIL REMEDIES UNDER THIS SECTION ARE SUPPLEMENTAL AND
22 NOT MUTUALLY EXCLUSIVE.

23 9-904.

24 ALL PROPERTY USED OR INTENDED FOR USE IN THE COURSE OF, DERIVED
25 FROM, OR REALIZED THROUGH A PATTERN OF RACKETEERING ACTIVITY IS SUBJECT
26 TO FORFEITURE IN ACCORDANCE WITH TITLE 13, SUBTITLE 6 OF THE CRIMINAL
27 PROCEDURE ARTICLE.

28 9-905.

29 (A) A VALID JUDGMENT RENDERED BY A COURT OF A STATE HAVING A LAW
30 SUBSTANTIALLY SIMILAR TO THIS SUBTITLE SHALL BE RECOGNIZED AND ENFORCED
31 BY THE COURTS OF THE STATE TO THE EXTENT THAT A JUDGMENT RENDERED BY A

COURT OF THE STATE UNDER THIS SUBTITLE WOULD BE ENFORCED IN THE OTHER STATE.

(B) THE ATTORNEY GENERAL MAY ENTER INTO RECIPROCAL AGREEMENTS WITH THE ATTORNEY GENERAL OR CHIEF PROSECUTING ATTORNEY OF ANY STATE THAT HAS A LAW SUBSTANTIALLY SIMILAR TO THIS SUBTITLE SO AS TO FURTHER THE PURPOSES OF THIS SUBTITLE.

9-906.

(A) IN A CIVIL ACTION BROUGHT UNDER § 9-903 OF THIS SUBTITLE, THE STATE MAY FILE WITH THE CLERK OF THE COURT A CERTIFICATE STATING THAT THE CASE IS OF SPECIAL PUBLIC IMPORTANCE.

(B) THE CLERK OF THE COURT SHALL IMMEDIATELY FURNISH A COPY OF A CERTIFICATE FILED UNDER SUBSECTION (A) OF THIS SECTION TO THE CHIEF JUSTICE OF THE SUPREME COURT OF MARYLAND OR THE CHIEF JUSTICE'S DESIGNEE.

(C) ON RECEIPT OF A CERTIFICATE FILED UNDER SUBSECTION (A) OF THIS SECTION, THE CHIEF JUSTICE OR THE CHIEF JUSTICE'S DESIGNEE SHALL IMMEDIATELY DESIGNATE A JUDGE TO HEAR AND DETERMINE THE CASE.

(D) THE JUDGE DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION SHALL PROMPTLY ASSIGN THE CASE FOR HEARING, PARTICIPATE IN THE HEARINGS AND DETERMINATION, AND CAUSE THE CASE TO BE EXPEDITED.

9-907.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS) ACT.

Article – Criminal Procedure

SUBTITLE 6. VIOLATIONS OF THE RICO LAW.

13-601.

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

(B) “CHIEF EXECUTIVE OFFICER” MEANS:

(1) FOR BALTIMORE CITY, THE MAYOR;

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

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

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

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

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

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

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

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

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

22 **(F) “GOVERNING BODY” INCLUDES:**

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

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

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

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

1 (G) “LIEN” INCLUDES A MORTGAGE, A DEED OF TRUST, A PLEDGE, A
2 SECURITY INTEREST, AN ENCUMBRANCE, AND A RIGHT OF SETOFF.

3 (H) “LIENHOLDER” MEANS A PERSON WHO HAS A LIEN OR A SECURED
4 INTEREST ON PROPERTY CREATED BEFORE THE SEIZURE.

5 (I) “LOCAL FINANCIAL AUTHORITY” MEANS:

6 (1) IF THE SEIZING AUTHORITY IS A UNIT OF A COUNTY, THE
7 TREASURER OR DIRECTOR OF FINANCE OF THE COUNTY; OR

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

11 (J) (1) “OWNER” MEANS A PERSON HAVING A LEGAL, EQUITABLE, OR
12 POSSESSORY INTEREST IN PROPERTY.

13 (2) “OWNER” INCLUDES:

14 (I) A CO-OWNER;

15 (II) A LIFE TENANT;

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

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

18 AND

19 (V) A BONA FIDE PURCHASER FOR VALUE.

20 (K) “PROCEEDS” MEANS PROFITS DERIVED FROM A VIOLATION OF THE
21 RICO LAW OR PROPERTY OBTAINED DIRECTLY OR INDIRECTLY FROM THOSE
22 PROFITS.

23 (L) (1) “PROPERTY” INCLUDES:

24 (I) REAL PROPERTY AND ANYTHING GROWING ON OR
25 ATTACHED TO REAL PROPERTY;

26 (II) MOTOR VEHICLES; AND

27 (III) MONEY.

(2) "PROPERTY" DOES NOT INCLUDE:

(I) AN ITEM UNLAWFULLY IN THE POSSESSION OF A PERSON OTHER THAN THE OWNER WHEN USED IN CONNECTION WITH A VIOLATION OF THE RICO LAW; OR

(II) A LESSOR'S INTEREST IN PROPERTY SUBJECT TO A BONA FIDE LEASE, UNLESS THE FORFEITING AUTHORITY CAN SHOW THAT THE LESSOR PARTICIPATED IN A VIOLATION OF THE RICO LAW OR THAT THE PROPERTY WAS THE PROCEEDS OF A VIOLATION OF THE RICO LAW.

(M) (1) "REAL PROPERTY" MEANS LAND OR AN IMPROVEMENT TO LAND.

(2) "REAL PROPERTY" INCLUDES:

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

(II) AN EASEMENT; AND

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

(N) "RICO LAW" MEANS TITLE 9, SUBTITLE 9 OF THE CRIMINAL LAW ARTICLE.

(O) "SEIZING AUTHORITY" MEANS A LAW ENFORCEMENT UNIT IN THE STATE THAT IS AUTHORIZED TO INVESTIGATE VIOLATIONS OF THE RICO LAW AND THAT HAS SEIZED PROPERTY UNDER THIS SUBTITLE.

13-602.

THE FOLLOWING ARE SUBJECT TO FORFEITURE:

(1) EXCEPT AS PROVIDED IN § 13-603 OF THIS SUBTITLE, A MOTOR VEHICLE USED IN CONNECTION WITH A VIOLATION OF AND CONVICTION UNDER § 9-902 OF THE CRIMINAL LAW ARTICLE;

(2) MONEY USED IN CONNECTION WITH A VIOLATION OF AND CONVICTION UNDER THE RICO LAW, FOUND IN CLOSE PROXIMITY TO OR AT THE SCENE OF THE ARREST FOR A VIOLATION OF THE RICO LAW; AND

(3) EXCEPT AS PROVIDED IN § 13-603 OF THIS SUBTITLE, REAL PROPERTY USED IN CONNECTION WITH A VIOLATION OF AND CONVICTION UNDER § 9-902 OF THE CRIMINAL LAW ARTICLE.

13-603.

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

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

(2) A MOTOR VEHICLE MAY NOT BE FORFEITED UNDER THIS SUBTITLE FOR AN ACT OR OMISSION THAT THE OWNER SHOWS WAS COMMITTED OR OMITTED BY A PERSON OTHER THAN THE OWNER WHILE THE PERSON OTHER THAN THE OWNER POSSESSED THE MOTOR VEHICLE IN CRIMINAL VIOLATION OF FEDERAL LAW OR THE LAW OF ANY STATE.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER THIS SUBTITLE UNLESS ONE OF THE OWNERS OF THE REAL PROPERTY WAS CONVICTED OF A VIOLATION OF § 9-902 OF THE CRIMINAL LAW ARTICLE OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE § 9-902 OF THE CRIMINAL LAW ARTICLE.

(D) REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE BY SPOUSES AND HELD BY THE SPOUSES AS TENANTS BY THE ENTIRETY MAY NOT BE FORFEITED UNLESS:

(1) THE PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF § 9-902 OF THE CRIMINAL LAW ARTICLE OR WITH AN ATTEMPT OR A CONSPIRACY TO VIOLATE § 9-902 OF THE CRIMINAL LAW ARTICLE; AND

(2) BOTH SPOUSES ARE CONVICTED OF A VIOLATION OF § 9-902 OF THE CRIMINAL LAW ARTICLE OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE § 9-902 OF THE CRIMINAL LAW ARTICLE.

13-604.

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

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

(2) WITHOUT A WARRANT WHEN:

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

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

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

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

13-605.

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

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

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

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

13-606.

(A) PROPERTY SEIZED UNDER THIS SUBTITLE:

(1) IS NOT REPLEVIABLE; BUT

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

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

6 **13-607.**

7 **(A) A SEIZING AUTHORITY MAY SEIZE A MOTOR VEHICLE USED IN**
8 **VIOLATION OF § 9-902 OF THE CRIMINAL LAW ARTICLE AND RECOMMEND**
9 **FORFEITURE TO THE FORFEITING AUTHORITY IF THE TOTAL CIRCUMSTANCES OF**
10 **THE CASE AS LISTED IN SUBSECTION (B) OF THIS SECTION DICTATE THAT SEIZURE**
11 **AND FORFEITURE ARE JUSTIFIED.**

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

14 **(1) EVIDENCE THAT THE MOTOR VEHICLE WAS ACQUIRED BY USE OF**
15 **PROCEEDS FROM A TRANSACTION INVOLVING A VIOLATION OF § 9-902 OF THE**
16 **CRIMINAL LAW ARTICLE;**

17 **(2) THE CIRCUMSTANCES OF THE ARREST; AND**

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

19 **13-608.**

20 **(A) THE CHIEF LAW ENFORCEMENT OFFICER OF THE SEIZING AUTHORITY**
21 **THAT SEIZES A MOTOR VEHICLE USED IN VIOLATION OF § 9-902 OF THE CRIMINAL**
22 **LAW ARTICLE MAY RECOMMEND TO THE APPROPRIATE FORFEITING AUTHORITY IN**
23 **WRITING THAT THE MOTOR VEHICLE BE FORFEITED ONLY IF THE OFFICER:**

24 **(1) DETERMINES FROM THE RECORDS OF THE MOTOR VEHICLE**
25 **ADMINISTRATION THE NAMES AND ADDRESSES OF ALL REGISTERED OWNERS AND**
26 **SECURED PARTIES AS DEFINED IN STATE LAW;**

27 **(2) PERSONALLY REVIEWS THE FACTS AND CIRCUMSTANCES OF THE**
28 **SEIZURE; AND**

29 **(3) PERSONALLY DETERMINES, ACCORDING TO THE STANDARDS**
30 **LISTED IN § 13-607 OF THIS SUBTITLE, AND REPRESENTS IN WRITING THAT**
31 **FORFEITURE IS WARRANTED.**

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

13-609.

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

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

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

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

13-610.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A BOND AUTHORIZED UNDER THIS SUBSECTION SHALL BE:

(I) CONDITIONED FOR PERFORMANCE ON FINAL JUDGMENT BY THE COURT;

(II) FILED IN THE DISTRICT COURT OR CIRCUIT COURT WHERE THE CRIMINAL ACTION THAT GAVE RISE TO THE SEIZURE IS PENDING; AND

(III) UNLESS A COMPLAINT FOR FORFEITURE HAS BEEN FILED, PART OF THE SAME CRIMINAL PROCEEDING.

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

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

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

13-611.

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

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

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

13-612.

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

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

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

12 **13-613.**

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

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

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

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

19 **(1) CONVEY OR ENCUMBER AN INTEREST IN SEIZED REAL PROPERTY;**
20 **OR**

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

22 **13-614.**

23 **EXCEPT AS PROVIDED IN § 13-617(C) OF THIS SUBTITLE, IF PROPERTY IS**
24 **SEIZED UNDER § 13-604(2)(IV) OF THIS SUBTITLE BECAUSE THERE IS PROBABLE**
25 **CAUSE TO BELIEVE THAT THE PROPERTY IS DIRECTLY OR INDIRECTLY DANGEROUS**
26 **TO HEALTH OR SAFETY AND THAT THE PROPERTY WAS OR WILL BE USED TO VIOLATE**
27 **§ 9-902 OF THE CRIMINAL LAW ARTICLE, FORFEITURE PROCEEDINGS UNDER THIS**
28 **SUBTITLE SHALL BE FILED PROMPTLY.**

29 **13-615.**

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

4 **13-616.**

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

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

11 **13-617.**

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

15 **(1) 90 DAYS AFTER THE SEIZURE; OR**

16 **(2) 1 YEAR AFTER THE FINAL DISPOSITION OF THE CRIMINAL CHARGE**
17 **FOR THE VIOLATION GIVING RISE TO THE FORFEITURE.**

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

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

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

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

30 **(I) THE POLITICAL SUBDIVISION IN WHICH THE MONEY WAS**
31 **SEIZED; OR**

(II) THE STATE, IF THE MONEY WAS SEIZED BY STATE
AUTHORITIES.

13-618.

(A) A COMPLAINT SEEKING FORFEITURE SHALL CONTAIN:

(1) A DESCRIPTION OF THE PROPERTY SEIZED;

(2) THE DATE AND PLACE OF THE SEIZURE;

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

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

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

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

(7) IF THE FORFEITING AUTHORITY SEEKS TO FORFEIT A
LIENHOLDER'S INTEREST IN PROPERTY, AN ALLEGATION THAT THE LIEN WAS
CREATED WITH ACTUAL KNOWLEDGE THAT THE PROPERTY WAS BEING OR WAS TO
BE USED IN VIOLATION OF § 9-902 OF THE CRIMINAL LAW ARTICLE;

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

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

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

(B) WITHIN 20 DAYS AFTER THE FILING OF THE COMPLAINT, COPIES OF THE
SUMMONS AND COMPLAINT SHALL BE SENT BY CERTIFIED MAIL REQUESTING
"RESTRICTED DELIVERY – SHOW TO WHOM, DATE, ADDRESS OF DELIVERY" AND
FIRST-CLASS MAIL TO ALL KNOWN OWNERS AND LIENHOLDERS WHOSE IDENTITIES
ARE REASONABLY SUBJECT TO DISCOVERY, INCLUDING ALL REAL PROPERTY

1 OWNERS AND LIENHOLDERS SHOWN IN THE RECORDS REQUIRED BY LAW FOR
2 NOTICE OR PERFECTION OF THE LIEN.

3 13-619.

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

5 (1) INCLUDE THE CAPTION OF THE CASE;

6 (2) DESCRIBE THE SUBSTANCE OF THE COMPLAINT AND THE RELIEF
7 SOUGHT;

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

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

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

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

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

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

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

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

27 13-620.

28 THE ANSWER TO A COMPLAINT SHALL:

(1) COMPLY WITH THE MARYLAND RULES;

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

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

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

13-621.

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

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

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

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

13-622.

EXCEPT AS PROVIDED IN §§ 13-603 AND 13-624 OF THIS SUBTITLE, AN OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE OWNER OF THE REAL PROPERTY IS CONVICTED OF VIOLATING § 9-902 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTING OR CONSPIRING TO VIOLATE § 9-902 OF THE CRIMINAL LAW ARTICLE.

13-623.

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

(1) THE CRIMINAL CHARGES ARE PENDING;

(2) THE OWNER RESIDES; OR

(3) THE REAL PROPERTY IS LOCATED.

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

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

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

(II) A DESCRIPTION OF THE REAL PROPERTY; AND

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

13-624.

IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IS CONVICTED UNDER § 9-902 OF THE CRIMINAL LAW ARTICLE OR IS CONVICTED OF AN ATTEMPT OR CONSPIRACY TO VIOLATE § 9-902 OF THE CRIMINAL LAW ARTICLE AND THE OWNER FILES AN APPEAL OF THE CONVICTION, THE COURT SHALL STAY FORFEITURE PROCEEDINGS UNDER § 13-603 OF THIS SUBTITLE AGAINST THE REAL PROPERTY DURING THE PENDENCY OF THE APPEAL.

13-625.

(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THERE IS A REBUTTABLE PRESUMPTION THAT 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:

(I) THE PERSON WAS CONVICTED OF VIOLATING § 9-902 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTING OR CONSPIRING TO VIOLATE § 9-902 OF THE CRIMINAL LAW ARTICLE;

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

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

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

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

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

7 **(2) § 13-603(D) OF THIS SUBTITLE APPLIES.**

8 **13-626.**

9 **(A) THE COURT MAY ORDER THE FORFEITURE OF OTHER PROPERTY OF THE**
10 **OWNER UP TO THE VALUE OF ANY PROPERTY SEIZED UNDER THIS SUBTITLE, WITH**
11 **THE EXCEPTION OF REAL PROPERTY, IF AS A RESULT OF AN ACT OR OMISSION OF**
12 **THE OWNER THE PROPERTY TO BE FORFEITED:**

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

14 **(2) HAS BEEN TRANSFERRED TO, SOLD TO, OR DEPOSITED WITH A**
15 **THIRD PARTY;**

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

17 **(4) HAS BEEN SUBSTANTIALLY DIMINISHED IN VALUE; OR**

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

20 **(B) THE COURT MAY ORDER THE OWNER TO RETURN PROPERTY TO THE**
21 **JURISDICTION OF THE COURT.**

22 **13-627.**

23 **IN A PROCEEDING UNDER THIS SUBTITLE, A COURT MAY:**

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

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

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

13-628.

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

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

(C) (1) IF THE COURT DETERMINES THAT THE FORFEITED PROPERTY IS SUBJECT TO A VALID LIEN CREATED WITHOUT ACTUAL KNOWLEDGE OF THE LIENHOLDER THAT THE PROPERTY WAS BEING OR WAS TO BE USED IN VIOLATION OF § 9-902 OF THE CRIMINAL LAW ARTICLE, THE COURT SHALL ORDER THAT THE PROPERTY BE RELEASED WITHIN 5 DAYS TO THE FIRST PRIORITY LIENHOLDER.

(2) THE LIENHOLDER SHALL SELL THE PROPERTY IN A COMMERCIALLY REASONABLE MANNER.

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

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

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

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

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

13-629.

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

(1) KEEP THE PROPERTY FOR OFFICIAL USE;

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

(3) SELL THE PROPERTY IF:

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

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

13-630.

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

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

13-631.

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

13-632.

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

(1) WRITTEN NOTICE OF THE INTENTION TO SELL;

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

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

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

(II) THE REASONS FOR THE DEFAULT.

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

13-633.

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

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

13-634.

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

(1) PAID TO THE SEIZING AUTHORITY; AND

(2) PROPERTY SUBJECT TO FORFEITURE.

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

13-635.

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

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

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

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

7 **13-636.**

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

12 **13-637.**

13 **(A) IN AN ACTION BROUGHT UNDER THIS SUBTITLE, THE STATE MAY FILE**
14 **WITH THE CLERK OF THE COURT A CERTIFICATE STATING THAT THE CASE IS OF**
15 **SPECIAL PUBLIC IMPORTANCE.**

16 **(B) THE CLERK OF THE COURT SHALL IMMEDIATELY FURNISH A COPY OF A**
17 **CERTIFICATE FILED UNDER SUBSECTION (A) OF THIS SECTION TO THE CHIEF**
18 **JUSTICE OF THE SUPREME COURT OF MARYLAND OR THE CHIEF JUSTICE'S**
19 **DESIGNEE.**

20 **(C) ON RECEIPT OF A CERTIFICATE FILED UNDER SUBSECTION (A) OF THIS**
21 **SECTION, THE CHIEF JUSTICE OR THE CHIEF JUSTICE'S DESIGNEE SHALL**
22 **IMMEDIATELY DESIGNATE A JUDGE TO HEAR AND DETERMINE THE CASE.**

23 **(D) THE JUDGE DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION**
24 **SHALL PROMPTLY ASSIGN THE CASE FOR HEARING, PARTICIPATE IN THE HEARINGS**
25 **AND DETERMINATION, AND CAUSE THE CASE TO BE EXPEDITED.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2023.**