

HOUSE BILL 69

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By: **Delegate Grammer**

Introduced and read first time: January 9, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Governor’s Office of Crime Control and Prevention –**
3 **Reporting of Seizures and Forfeitures**

4 FOR the purpose of requiring a certain seizing authority to notify promptly the Maryland
5 Statistical Analysis Center of the Governor’s Office of Crime Control and Prevention
6 of any changes in the status of certain information previously reported under a
7 certain provision of law; altering the date by which the Maryland Statistical Analysis
8 Center is required to make certain information available on its website each year;
9 and generally relating to seizure and forfeiture.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Procedure
12 Section 12–601
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Procedure
17 Section 12–602
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

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

22 **Article – Criminal Procedure**

23 12–601.

24 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) "GOCCP" means the Governor's Office of Crime Control and Prevention.

(c) "MSAC" means the Maryland Statistical Analysis Center of GOCCP.

12-602.

(a) On an annual basis, each seizing authority in consultation with the corresponding forfeiting authority shall report how any funds appropriated to the authority as a result of forfeiture were spent in the preceding fiscal year and the following information about each individual seizure and forfeiture completed by the agency under this title:

(1) the date that currency, vehicles, houses, or other types of property were seized;

(2) the type of property seized, including year, make, and model, as applicable;

(3) the outcome of related criminal action, including whether charges were brought, a plea bargain was reached, a conviction was obtained, or an acquittal was issued;

(4) whether a unit of federal government took custody of the seized property, and the name of the unit;

(5) for property other than money, the market value of the property seized;

(6) if money was seized, the amount of money;

(7) the amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement;

(8) the race and gender of the person or persons from whom the property was seized, if known; and

(9) whether the property was returned to the owner.

(b) MSAC may require a seizing authority to provide relevant information not specified in subsection (a) of this section.

(c) (1) Each seizing authority shall file with MSAC the report required under subsection (a) of this section for the seizing authority and the corresponding forfeiting authority.

(2) A null report shall be filed by a seizing authority that did not engage in seizures or forfeitures under this title during the reporting period.

(3) A SEIZING AUTHORITY SHALL NOTIFY PROMPTLY MSAC OF ANY CHANGES IN THE STATUS OF INFORMATION PREVIOUSLY REPORTED UNDER

1 **SUBSECTION (A) OF THIS SECTION.**

2 (d) (1) MSAC shall develop a standard form, a process, and deadlines for
3 electronic data entry for annual submission of forfeiture data by seizing authorities.

4 (2) MSAC shall compile the submissions and issue an aggregate report of
5 all forfeitures under this title in the State.

6 (e) (1) By [March 1] **SEPTEMBER 1** of each year, MSAC shall make available
7 on its website the reports submitted by seizing authorities and the aggregate report of
8 MSAC.

9 (2) GOCCP shall submit the aggregate report to the Governor, the General
10 Assembly, as provided in § 2–1257 of the State Government Article, and each seizing
11 authority before September 1 of each year.

12 (f) (1) GOCCP shall include in the aggregate report the total amount from
13 forfeitures deposited in the General Fund of the State under § 12–405 of this title that were
14 appropriated to the Maryland Department of Health for the purpose of funding drug
15 treatment and education programs and how the funds were spent.

16 (2) GOCCP may include, with the aggregate report of MSAC,
17 recommendations to the legislature to improve forfeiture statutes to better ensure that
18 forfeiture proceedings are reported and handled in a manner that is fair to crime victims,
19 innocent property owners, secured interest holders, citizens, and taxpayers.

20 (g) (1) If a seizing authority fails to comply with the reporting provisions of
21 this section:

22 (i) GOCCP shall report the noncompliance to the Police Training
23 and Standards Commission; and

24 (ii) the Police Training and Standards Commission shall contact the
25 seizing authority and request that the agency comply with the required reporting
26 provisions.

27 (2) If the seizing authority fails to comply with the required reporting
28 provisions within 30 days after being contacted by the Police Training and Standards
29 Commission, GOCCP and the Police Training and Standards Commission jointly shall
30 report the noncompliance to the Governor and the Legislative Policy Committee of the
31 General Assembly.

32 (h) (1) MSAC may recoup its costs by charging a fee to each seizing authority
33 that engages in seizures or forfeitures during the reporting period.

34 (2) A seizing authority may use forfeiture proceeds to pay the cost of
35 compiling and reporting data under this subtitle, including any fee imposed by MSAC.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.