

HOUSE BILL 1063

E1, E2

4lr1862
CF SB 1111

By: **Delegate Williams**

Introduced and read first time: February 7, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Organizations – Criminal Prohibitions, Civil Actions, and Forfeiture**

3 FOR the purpose of establishing the statute of limitations for a certain civil action for
4 damages resulting from certain participation in a criminal organization; altering
5 certain definitions of “criminal organization” and “underlying crime”; authorizing the
6 filing of and establishing procedures for a civil action for injunctive relief and
7 damages arising out of certain participation in a criminal organization; establishing
8 procedures for the forfeiture of property connected to certain participation in a
9 criminal organization; and generally relating to criminal organizations.

10 BY adding to

11 Article – Courts and Judicial Proceedings
12 Section 5–122
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Criminal Law
17 Section 9–801
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Criminal Law
22 Section 9–804
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

25 BY adding to

26 Article – Criminal Law
27 Section 9–808

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – Criminal Procedure

Section 13–601 through 13–637 to be under the new subtitle “Subtitle 6. Violations
of the Criminal Organizations Law”

Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

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 PARTICIPATION IN A
CRIMINAL ORGANIZATION BROUGHT UNDER § 9–808 OF THE CRIMINAL LAW
ARTICLE SHALL BE BROUGHT WITHIN 5 YEARS AFTER THE CONDUCT IN VIOLATION
OF § 9–804 OF THE CRIMINAL LAW ARTICLE TERMINATES.**

Article – Criminal Law

9–801.

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

(b) “Coerce” means to compel or attempt to compel another by threat of harm or
other adverse consequences.

(c) “Criminal organization” means an enterprise, **INCLUDING AN INFORMAL
ASSOCIATION**, whose members:

(1) individually or collectively engage in a pattern of organized crime
activity;

(2) have as one of their primary objectives or activities the commission of
one or more underlying crimes, including acts by juveniles that would be underlying crimes
if committed by adults; and

(3) have in common an overt or covert organizational or command
structure.

(d) “Enterprise” includes:

(1) a sole proprietorship, partnership, corporation, business trust, or other legal entity; or

(2) any group of individuals associated in fact although not a legal entity.

(e) “Pattern of organized crime activity” means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident.

(f) “Solicit” has the meaning stated in § 11–301 of this article.

(g) “Underlying crime” means:

(1) a crime of violence as defined under § 14–101 of this article;

(2) a violation of § 3–203 (second degree assault), § 3–1102 (sex trafficking), § 3–1103 (forced marriage), § 4–203 (wearing, carrying, or transporting a handgun), **§ 4–204 (USE OF A FIREARM IN THE COMMISSION OF A CRIME)**, § 7–113 (embezzlement by fiduciary), or § 7–315 (theft – telecommunications–related) of this article, § 9–102 (subornation of perjury), § 9–202(a) (bribery of juror), § 9–302 (inducing false testimony or avoidance of subpoena), § 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), § 9–306 (obstruction of justice), § 9–307 (destruction of evidence), **§ 9–412 (CONTRABAND – IN GENERAL)**, § 9–413 (contraband – for escape), § 9–416 (contraband – controlled dangerous substance), or § 9–417 (contraband – telecommunications–related) of this title, or § 11–304 (receiving earnings of prostitute), § 11–307 (house of prostitution), or § 12–104 (gaming offenses) of this article;

(3) a felony violation of § 3–701 (extortion), § 4–503 (manufacture or possession of destructive device), § 5–602 (distribution of CDS), § 5–603 (manufacturing CDS or equipment), § 5–604(b) (creating or possessing a counterfeit substance), § 5–606 (false prescription), § 6–103 (second degree arson), § 6–202 (first degree burglary), § 6–203 (second degree burglary), § 6–204 (third degree burglary), § 7–104 (theft), or § 7–105 (unauthorized use of a motor vehicle) of this article;

(4) a felony violation of § 5–133 of the Public Safety Article;

(5) THE COMMON LAW MISDEMEANOR OF MISCONDUCT IN OFFICE;

(6) FRAUD AND RELATED CRIMES UNDER TITLE 8 OF THIS ARTICLE;

(7) BRIBERY UNDER SUBTITLE 2 OF THIS TITLE;

(8) FALSE STATEMENTS UNDER SUBTITLE 5 OF THIS TITLE;

(9) IMPERSONATING A POLICE OFFICER UNDER § 3-502 OF THE PUBLIC SAFETY ARTICLE;

(10) THREAT OF MASS VIOLENCE UNDER TITLE 3, SUBTITLE 10 OF THIS ARTICLE;

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

(12) INSURANCE FRAUD UNDER TITLE 27, SUBTITLE 4 OF THE INSURANCE ARTICLE;

(13) A VIOLATION OF THE MARYLAND CONSUMER PROTECTION ACT UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE;

(14) REMOVAL OR FALSIFICATION OF VEHICLE IDENTIFICATION NUMBER UNDER § 14-107 OF THE TRANSPORTATION ARTICLE;

(15) ABUSE OR NEGLECT OF A VULNERABLE ADULT UNDER § 3-604 OR § 3-605 OF THIS ARTICLE;

[(5)] (16) a crime under the laws of another state or of the United States that would be a crime listed in items (1) through **[(4)] (15)** of this subsection if committed in this State; or

[(6)] (17) the attempted commission of, conspiracy to commit, or solicitation of a crime or act listed in items (1) through **[(5)] (16)** of this subsection.

9-804.

(a) A person may not:

(1) participate in a criminal organization knowing that the members of the criminal organization engage in a pattern of organized crime activity; and

(2) knowingly and willfully direct or participate in an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal organization.

(b) A criminal organization or an individual belonging to a criminal organization may not:

(1) receive proceeds known to have been derived directly or indirectly from an underlying crime; and

(2) use or invest, directly or indirectly, an aggregate of \$10,000 or more of the proceeds from an underlying crime in:

(i) the acquisition of a title to, right to, interest in, or equity in real property; or

(ii) the establishment or operation of any enterprise.

(c) A criminal organization may not acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property through an underlying crime.

(d) A person may not conspire to violate subsection (a), (b), or (c) of this section.

(e) A person may not violate subsection (a) of this section that results in the death of a victim.

(f) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000,000 or both.

(ii) A person who violates subsection (e) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$5,000,000 or both.

(2) (i) A sentence imposed under paragraph (1)(i) of this subsection for a first offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

(ii) A sentence imposed under paragraph (1)(i) of this subsection for a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

(iii) A consecutive sentence for a second or subsequent offense shall not be mandatory unless the State notifies the person in writing of the State's intention to proceed against the person as a second or subsequent offender at least 30 days before trial.

(3) In addition to the other penalties provided in this subsection, on conviction the court may:

(i) order a person or criminal organization to be divested of any interest in an enterprise or real property;

(ii) order the dissolution or reorganization of an enterprise; and

(iii) order the suspension or revocation of any license, permit, or prior approval granted to the enterprise or person by a unit of the State or a political subdivision of the State.

(g) (1) This subsection applies to a violation of § 5–602, § 5–603, § 5–604(b), § 5–606, § 5–612, § 5–613, § 5–614, or § 5–617 of this article.

(2) Assets divested under this section and derived from the commission of, attempted commission of, conspiracy to commit, or solicitation of a crime described in paragraph (1) of this subsection, either in whole or in part:

(i) if the State investigated and prosecuted a violation described in paragraph (1) of this subsection, shall be deposited in the Addiction Treatment Divestiture Fund established under § 8–6D–01 of the Health – General Article; or

(ii) if a local jurisdiction investigated and prosecuted a violation described in paragraph (1) of this subsection, shall be used by the local jurisdiction:

1. to support alternatives to incarceration, reentry programs, and addiction treatment services for persons with substance–related disorders;

2. to combat criminal organizations through education, training, and resources; or

3. to provide assistance to victims of criminal organization–related crimes; and

(iii) if more than one jurisdiction participated in an investigation or a prosecution of a violation described in paragraph (1) of this subsection, shall be divided in the manner agreed on by the jurisdictions and used as provided in item (i) or (ii) of this paragraph.

(h) A person may be charged with a violation of this section only by indictment, criminal information, or petition alleging a delinquent act.

(i) (1) The Attorney General, at the request of the Governor or the State’s Attorney for a county in which a violation or an act establishing a violation of this section occurs, may:

(i) aid in the investigation of the violation or act; and

(ii) prosecute the violation or act.

(2) In exercising authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State’s Attorney, including the use of the grand jury in the county, to prosecute the violation.

(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined.

(j) Notwithstanding any other provision of law and provided at least one criminal organization activity of a criminal organization allegedly occurred in the county in which a grand jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise conduct an investigation of the alleged criminal organization's activities and offenses in other counties.

9-808.

(A) AN AGGRIEVED PERSON OR THE STATE MAY FILE A COMPLAINT IN CIRCUIT COURT TO ENJOIN A VIOLATION OF § 9-804 OF THIS SUBTITLE.

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

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

(2) IMPOSING REASONABLE RESTRICTIONS ON THE FUTURE ACTIVITIES OR INVESTMENTS OF A DEFENDANT, INCLUDING PROHIBITING THE DEFENDANT FROM ENGAGING IN THE SAME TYPE OF ENDEAVOR AS THE ENTERPRISE IN WHICH THE DEFENDANT WAS ENGAGED IN VIOLATION OF § 9-804 OF THIS SUBTITLE;

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

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

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

(I) THE BOARD OF DIRECTORS OR A MANAGERIAL AGENT ACTING ON BEHALF OF THE CORPORATION, IN CONDUCTING AFFAIRS OF THE

CORPORATION, HAS AUTHORIZED OR ENGAGED IN CONDUCT IN VIOLATION OF § 9-804 OF THIS SUBTITLE; AND

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

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

(2) ON THE EXECUTION OF PROPER BOND AGAINST DAMAGES FOR AN INJUNCTION IMPROVIDENTLY GRANTED AND A SHOWING OF IMMEDIATE DANGER OF SIGNIFICANT LOSS OR DAMAGE, THE COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION BEFORE A FINAL DETERMINATION ON THE MERITS.

(D) A PERSON WHO IS INJURED AS A RESULT OF A VIOLATION OF § 9-804 OF THIS SUBTITLE:

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

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

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

(F) A CRIMINAL CONVICTION FOR A VIOLATION OF § 9-804 OF THIS SUBTITLE SHALL ESTOP THE DEFENDANT IN ANY SUBSEQUENT CIVIL ACTION UNDER THIS SUBTITLE OR CIVIL FORFEITURE PROCEEDING UNDER TITLE 13, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE AS TO ALL MATTERS PROVED IN THE CRIMINAL PROCEEDING.

(G) (1) THE APPLICATION OF ONE CIVIL REMEDY UNDER THIS SECTION DOES NOT PRECLUDE THE APPLICATION OF ANY OTHER CIVIL OR CRIMINAL REMEDY FOR A VIOLATION OF § 9-804 OF THIS SUBTITLE.

(2) CIVIL REMEDIES UNDER THIS SECTION ARE SUPPLEMENTAL TO ANY OTHER REMEDY AVAILABLE.

Article – Criminal Procedure

SUBTITLE 6. VIOLATIONS OF THE CRIMINAL ORGANIZATIONS 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;

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

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

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

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

(C) “CONVICTED” MEANS FOUND GUILTY.

(D) “CRIMINAL ORGANIZATIONS LAW” MEANS TITLE 9, SUBTITLE 8 OF THE CRIMINAL LAW ARTICLE.

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

(F) “FORFEITING AUTHORITY” MEANS:

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

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

(G) "GOVERNING BODY" INCLUDES:

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

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

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

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

(H) "LIEN" INCLUDES A MORTGAGE, A DEED OF TRUST, A PLEDGE, A SECURITY INTEREST, AN ENCUMBRANCE, AND A RIGHT OF SETOFF.

(I) "LIENHOLDER" MEANS A PERSON WHO HAS A LIEN OR A SECURED INTEREST ON PROPERTY CREATED BEFORE THE SEIZURE.

(J) "LOCAL FINANCIAL AUTHORITY" MEANS:

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

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

(K) (1) "OWNER" MEANS A PERSON HAVING A LEGAL, EQUITABLE, OR POSSESSORY INTEREST IN PROPERTY.

(2) "OWNER" INCLUDES:

(I) A CO-OWNER;

(II) A LIFE TENANT;

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

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

AND

(V) A BONA FIDE PURCHASER FOR VALUE.

(L) "PROCEEDS" MEANS PROFITS DERIVED FROM A VIOLATION OF THE
CRIMINAL ORGANIZATIONS LAW OR PROPERTY OBTAINED DIRECTLY OR
INDIRECTLY FROM THOSE PROFITS.

(M) (1) "PROPERTY" INCLUDES:

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

(II) MOTOR VEHICLES; AND

(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
CRIMINAL ORGANIZATIONS 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 CRIMINAL ORGANIZATIONS LAW OR THAT
THE PROPERTY WAS THE PROCEEDS OF A VIOLATION OF THE CRIMINAL
ORGANIZATIONS LAW.

(N) (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.

(O) "SEIZING AUTHORITY" MEANS A LAW ENFORCEMENT UNIT IN THE STATE THAT IS AUTHORIZED TO INVESTIGATE VIOLATIONS OF THE CRIMINAL ORGANIZATIONS 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 § 9-804 OF THE CRIMINAL LAW ARTICLE;

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

(3) EXCEPT AS PROVIDED IN § 13-603 OF THIS SUBTITLE, REAL PROPERTY USED IN CONNECTION WITH A VIOLATION OF AND CONVICTION UNDER § 9-804 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 CRIMINAL ORGANIZATIONS 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 CRIMINAL ORGANIZATIONS 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 § 9-804 OF THE CRIMINAL LAW ARTICLE OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE § 9-804 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 § 9-804 OF THE CRIMINAL LAW ARTICLE OR WITH AN ATTEMPT OR A CONSPIRACY TO VIOLATE § 9-804 OF THE CRIMINAL LAW ARTICLE; AND

(2) BOTH SPOUSES ARE CONVICTED OF A VIOLATION OF § 9-804 OF THE CRIMINAL LAW ARTICLE OR OF AN ATTEMPT OR CONSPIRACY TO VIOLATE § 9-804 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 (1) PHOTOGRAPH THE MONEY AND RECORD THE QUANTITY OF EACH
2 DENOMINATION OF COIN OR CURRENCY SEIZED; AND

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

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

8 13-606.

9 (A) PROPERTY SEIZED UNDER THIS SUBTITLE:

10 (1) IS NOT REPLEVIABLE; BUT

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

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

16 13-607.

17 (A) A SEIZING AUTHORITY MAY SEIZE A MOTOR VEHICLE USED IN
18 VIOLATION OF § 9-804 OF THE CRIMINAL LAW ARTICLE AND RECOMMEND
19 FORFEITURE TO THE FORFEITING AUTHORITY IF THE TOTAL CIRCUMSTANCES OF
20 THE CASE AS LISTED IN SUBSECTION (B) OF THIS SECTION DICTATE THAT SEIZURE
21 AND FORFEITURE ARE JUSTIFIED.

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

24 (1) EVIDENCE THAT THE MOTOR VEHICLE WAS ACQUIRED BY USE OF
25 PROCEEDS FROM A TRANSACTION INVOLVING A VIOLATION OF § 9-804 OF THE
26 CRIMINAL LAW ARTICLE;

27 (2) THE CIRCUMSTANCES OF THE ARREST; AND

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

1 **13-608.**

2 **(A) THE CHIEF LAW ENFORCEMENT OFFICER OF THE SEIZING AUTHORITY**
3 **THAT SEIZES A MOTOR VEHICLE USED IN VIOLATION OF § 9-804 OF THE CRIMINAL**
4 **LAW ARTICLE MAY RECOMMEND TO THE APPROPRIATE FORFEITING AUTHORITY IN**
5 **WRITING THAT THE MOTOR VEHICLE BE FORFEITED ONLY IF THE OFFICER:**

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

9 **(2) PERSONALLY REVIEWS THE FACTS AND CIRCUMSTANCES OF THE**
10 **SEIZURE; AND**

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

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

17 **13-609.**

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

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

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

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

30 **13-610.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (F) (1) IF THE COURT ORDERS THAT PROPERTY OR AN INTEREST OR
28 EQUITY IN THE PROPERTY OR PROCEEDS BE FORFEITED UNDER THIS SUBTITLE, THE
29 COURT SHALL ENTER JUDGMENT IN THE AMOUNT OF THE BOND AGAINST THE
30 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.

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

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

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

13-613.

(A) THIS SECTION DOES NOT APPLY IF:

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

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

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

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

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

13-614.

EXCEPT AS PROVIDED IN § 13-617(C) OF THIS SUBTITLE, IF PROPERTY IS SEIZED UNDER § 13-604(2)(IV) OF THIS SUBTITLE BECAUSE THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS DIRECTLY OR INDIRECTLY DANGEROUS TO HEALTH OR SAFETY AND THAT THE PROPERTY WAS OR WILL BE USED TO VIOLATE § 9-804 OF THE CRIMINAL LAW ARTICLE, FORFEITURE PROCEEDINGS UNDER THIS SUBTITLE SHALL BE FILED PROMPTLY.

13-615.

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

13-616.

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

(B) THE COMPLAINT AND AFFIDAVIT SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

13-617.

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

(1) 90 DAYS AFTER THE SEIZURE; OR

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

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

(C) (1) A PROCEEDING ABOUT MONEY SHALL BE FILED WITHIN 90 DAYS AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS THAT ARISE OUT OF THE CRIMINAL ORGANIZATIONS 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 SUBTITLE SHALL BE RETURNED TO THE OWNER ON REQUEST BY THE OWNER.

(3) IF THE OWNER FAILS TO ASK FOR THE RETURN OF THE MONEY WITHIN 1 YEAR AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS, 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.

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 § 9-804 OF THE CRIMINAL LAW ARTICLE;

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

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

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

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

15 **13–619.**

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

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

18 **(2) DESCRIBE THE SUBSTANCE OF THE COMPLAINT AND THE RELIEF**
19 **SOUGHT;**

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

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

23 **(5) STATE THAT THE OWNER OF THE PROPERTY MAY HAVE**
24 **POSSESSION OF THE PROPERTY PENDING FORFEITURE BY POSTING A BOND AS**
25 **PROVIDED IN § 13–610 OF THIS SUBTITLE; AND**

26 **(6) TELL WHERE TO FILE A RESPONSE AND WHOM TO CONTACT FOR**
27 **MORE INFORMATION CONCERNING THE FORFEITURE.**

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

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

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

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

13-620.

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.

1 EXCEPT AS PROVIDED IN §§ 13-603 AND 13-624 OF THIS SUBTITLE, AN
2 OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE OWNER OF THE
3 REAL PROPERTY IS CONVICTED OF VIOLATING § 9-804 OF THE CRIMINAL LAW
4 ARTICLE OR ATTEMPTING OR CONSPIRING TO VIOLATE § 9-804 OF THE CRIMINAL
5 LAW ARTICLE.

6 13-623.

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

9 (1) THE CRIMINAL CHARGES ARE PENDING;

10 (2) THE OWNER RESIDES; OR

11 (3) THE REAL PROPERTY IS LOCATED.

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

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

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

20 (II) A DESCRIPTION OF THE REAL PROPERTY; AND

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

23 13-624.

24 IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY
25 RESIDENCE IS CONVICTED UNDER § 9-804 OF THE CRIMINAL LAW ARTICLE OR IS
26 CONVICTED OF AN ATTEMPT OR CONSPIRACY TO VIOLATE § 9-804 OF THE CRIMINAL
27 LAW ARTICLE AND THE OWNER FILES AN APPEAL OF THE CONVICTION, THE COURT
28 SHALL STAY FORFEITURE PROCEEDINGS UNDER § 13-603 OF THIS SUBTITLE
29 AGAINST THE REAL PROPERTY DURING THE PENDENCY OF THE APPEAL.

30 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 § 9-804 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTING OR CONSPIRING TO VIOLATE § 9-804 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.

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

(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)(I) OF THIS SECTION; OR

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

13-626.

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

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

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

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

(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 MAY:**

7 **(1) 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) RESOLVE CLAIMS ARISING UNDER THIS SUBTITLE; AND**

12 **(3) TAKE APPROPRIATE MEASURES TO SAFEGUARD AND MAINTAIN**
13 **PROPERTY FORFEITED UNDER THIS SUBTITLE PENDING THE DISPOSITION OF THE**
14 **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 § 9-804 OF THE CRIMINAL LAW ARTICLE, THE COURT SHALL ORDER THAT THE**
26 **PROPERTY BE RELEASED WITHIN 5 DAYS TO THE FIRST PRIORITY LIENHOLDER.**

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

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

30 **(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.

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

3 **13-632.**

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

7 **(1) WRITTEN NOTICE OF THE INTENTION TO SELL;**

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

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

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

11 **(II) THE REASONS FOR THE DEFAULT.**

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

14 **13-633.**

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

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

21 **13-634.**

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

26 **(1) PAID TO THE SEIZING AUTHORITY; AND**

27 **(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.

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

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

13-636.

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

13-637.

(A) IN AN ACTION BROUGHT UNDER 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.

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2024.