

CHAPTER 616

(House Bill 1337)

AN ACT to repeal and re-enact, with amendments, Section 297 of Article 27 of the Annotated Code of Maryland (1971 Supplement), title and subtitle "Crimes and Punishments," subheading "Health-Controlled Dangerous Substances," to require that no vehicle for hire used in the transaction of business as a vehicle for hire shall be seized or forfeited unless it appears that the owner or other person in charge of the conveyances CONVEYANCE was a consenting party or privy to a violation of the controlled dangerous substances laws and clarifying the language and numbering therein.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 297 of Article 27 of the Annotated Code of Maryland (1971 Supplement), title and subtitle "Crimes and Punishments," subheading "Health-Controlled Dangerous Substances," is hereby repealed and re-enacted, with amendments, to read as follows:

297.

(a) The following shall be subject to forfeiture and no property right shall exist in them:

(1) All controlled dangerous substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of the provisions of this subheading;

(2) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled dangerous substance in violation of the provisions of this subheading,

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) and (2);

(4) All conveyances including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in (1) or (2), except that,

[(a)] (i) No conveyance used by any person as a common carrier or vehicle for hire in the transaction of business as a common carrier or vehicle for hire shall be seized or forfeited under this subheading unless it **[shall appear]** *appears* that the owner or other person in charge of **[such]** the conveyance was a consenting party or privy to a violation of this subheading; and

[(b)] (ii) No conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any state;

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this subheading;