

(II) ALTHOUGH THE VIOLATOR HAS NOT SOLD OR ATTEMPTED TO SELL CONTROLLED DANGEROUS SUBSTANCES IN VIOLATION OF THIS SUBTITLE, AN AMOUNT OF SUCH SUBSTANCES OR PARAPHERNALIA IS LOCATED WHICH WOULD REASONABLY INDICATE THAT SALE IS CONTEMPLATED BY THE VIOLATOR.

(III) THE TOTAL CIRCUMSTANCES OF THE CASE DICTATE THAT SEIZURE AND FORFEITURE IS JUSTIFIED; THESE CIRCUMSTANCES WOULD INCLUDE SUCH FACTORS AS THE FOLLOWING:

(A) THE POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES;

(B) AN EXTENSIVE CRIMINAL RECORD OF THE VIOLATOR;

(C) A PREVIOUS CONVICTION OF THE VIOLATOR FOR A CONTROLLED DANGEROUS SUBSTANCES VIOLATION;

(D) CORROBORATED INFORMATION IS DEVELOPED INDICATING THAT THE VIOLATOR IS OR WAS RECENTLY A SELLER, OR FREQUENTLY ASSOCIATES WITH INDIVIDUALS KNOWN TO BE DISTRIBUTORS OF ILLEGAL CONTROLLED DANGEROUS SUBSTANCES OR PARAPHERNALIA;

(E) CIRCUMSTANCES OF THE ARREST;

(F) THE MANNER IN WHICH THE VEHICLE WAS BEING USED.

(2) A MOTOR VEHICLE USED IN VIOLATION OF THIS SUBTITLE SHALL NOT BE SEIZED AND FORFEITURE SHALL NOT BE RECOMMENDED TO THE STATE'S ATTORNEY WHEN:

(I) THE MOTOR VEHICLE IS BEING USED BY A MEMBER OF THE FAMILY OTHER THAN THE REGISTERED OWNER AND CONTROLLED DANGEROUS SUBSTANCES OR PARAPHERNALIA ARE LOCATED THEREIN IN A QUANTITY INSUFFICIENT TO SUGGEST A SALE IS CONTEMPLATED, AND WHERE NO SALE WAS MADE OR ATTEMPTED, AND THE REGISTERED OWNER NEITHER KNEW NOR SHOULD HAVE KNOWN THAT SUCH MATERIAL WAS IN THE MOTOR VEHICLE;

(II) AN INNOCENT REGISTERED OWNER LENDS HIS MOTOR VEHICLE TO ANOTHER AND THE LATTER OR SOMEONE INVITED INTO THE MOTOR VEHICLE BY SUCH PERSON CAUSES CONTROLLED DANGEROUS SUBSTANCES OR PARAPHERNALIA TO BE BROUGHT INTO THE VEHICLE WITHOUT THE KNOWLEDGE OF THE OWNER.

(III) THE MOTOR VEHICLE FALLS WITHIN THE PROVISIONS OF SECTION 297(A)(4)(A) OR (B).

(3) FORFEITURE OF THE MOTOR VEHICLE USED IN VIOLATION OF THIS SUBTITLE SHALL BE RECOMMENDED TO THE STATE'S ATTORNEY ONLY AFTER THE CHIEF LAW ENFORCEMENT OFFICER OF THE POLICE DEPARTMENT, BUREAU OR FORCE WHICH SEIZED THE MOTOR VEHICLE HAS PERSONALLY REVIEWED THE FACTS AND CIRCUM-