

SUBSECTION (B) (I) HEREOF NO COURT SHALL ENTER A JUDGMENT OF PROBATION AFTER VERDICT WITH RESPECT TO ANY CASE ARISING UNDER THIS SUBHEADING WHICH WOULD HAVE THE EFFECT OF REDUCING THE ACTUAL PERIOD OF IMPRISONMENT PRESCRIBED IN THIS SUBHEADING AS A MANDATORY MINIMUM SENTENCE.

*36C. Seizure and Forfeiture.*

(a) *Property subject to seizure and forfeiture. The following items of property shall be subject to seizure and forfeiture, and, upon forfeiture, no property right shall exist in them:*

(i) *any handgun being worn, carried, or transported in violation of Section 36B of this article.*

(ii) *all ammunition or other parts of or appurtenances to any such handgun worn, carried, or transported by such person or found in the immediate vicinity of such handgun;*

(iii) *any vehicle within which a handgun is transported in violation of Section 36B of this article; provided, however, that (A) no vehicle legitimately used as a common carrier shall be seized or forfeited under this section unless it shall appear that the owner or other person in charge of the vehicle was a consenting party or privy to a violation of Section 36B, and (B) no vehicle shall be seized or forfeited by reason of any act or omission established by the owner to have been committed or omitted by any person other than the owner while the vehicle was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or any State.*

(b) *Procedure relating to seizure.*

(i) *any property subject to seizure under subsection (a) hereof may be seized by any duly authorized law enforcement officer, as an incident to an arrest or search and seizure.*

(ii) *any such officer seizing such property under this section shall either place the property under seal or remove the same to a location designated either by the Maryland State Police or by the law enforcement agency having jurisdiction in the locality.*

(iii) *property seized under this section shall not be subject to replevin, but shall be deemed to be in custodia legis; provided, however, that upon petition REQUEST of any person other than a person who has been charged with a violation of Section 36B of this article and whose case is currently pending trial, the police authorities having custody of the seized property may return the seized property if convinced that (A) the petitioner is the owner of the property; (B) said petitioner did not know and should not have known that the property was being or would be worn, carried, transported, or used in violation of Section 36B of this article; and (C) the property is not needed as evidence in a pending criminal case. No handgun or ammunition shall be returned by the police authorities pursuant to this subsection without the written consent of the State's Attorney having jurisdiction over the case.*

(c) *Procedure relating to forfeiture.*

(i) *Upon conviction of any person for a violation of Section 36B of this article, any property subject to seizure, actually seized, and not returned pursuant to the provisions of this section shall be for-*