

*feited to the State. Any judgment of conviction entered by a court having jurisdiction shall also be deemed to be an order of forfeiture of such articles. If the judgment of conviction is by a jury, the court shall thereupon sua sponte immediately enter an order of forfeiture.*

*(ii) Notwithstanding the provisions of paragraph (e) (i) hereof, upon petition of any person other than the person convicted of violating Section 36B of this article filed prior to the judgment of conviction or within ten days thereafter, the Court may decline to order forfeiture or may strike any order of forfeiture and order the return of seized property if the petitioner shall prove, by a fair preponderance of the evidence 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 any other pending criminal case.*

(C) PROCEDURE RELATING TO FORFEITURE.

(1) UPON THE SEIZURE OF PROPERTY PURSUANT TO THIS SECTION, THE STATE'S ATTORNEY SHALL NOTIFY ANY OFFICIAL AGENCY WHICH REGISTERS SUCH PROPERTY OF THE SEIZURE AND SHALL REQUEST THE NAME AND ADDRESS OF THE OWNER THEREOF. IF, AS A RESULT OF SUCH INQUIRY, OR ANY OTHER INQUIRY WHICH HE MAY CONDUCT, THE STATE'S ATTORNEY DETERMINES THE NAME AND ADDRESS OF THE OWNER OF THE PROPERTY, HE SHALL NOTIFY THE OWNER BY CERTIFIED MAIL OF THE SEIZURE AND OF THE STATE'S ATTORNEY'S DETERMINATION OF WHETHER THE OWNER KNEW OR SHOULD HAVE KNOWN THAT THE PROPERTY WAS WORN, CARRIED, TRANSPORTED OR USED IN VIOLATION OF SECTION 36B.

(2) IF THE STATE'S ATTORNEY DETERMINES THAT THE OWNER NEITHER KNEW NOR SHOULD HAVE KNOWN OF THE USE OR INTENDED USE OF THE PROPERTY IN VIOLATION OF SECTION 36B, HE SHALL SURRENDER THE PROPERTY UPON REQUEST TO THE OWNER UNLESS HE DETERMINES THAT THE PROPERTY IS NEEDED AS EVIDENCE IN A PENDING CRIMINAL CASE, IN WHICH EVENT HE SHALL RETURN THE PROPERTY UPON THE FINAL CONCLUSION OF THE CASE OR CASES IN WHICH THE PROPERTY IS NEEDED AS EVIDENCE.

(3) IF THE STATE'S ATTORNEY DETERMINES THAT THE PROPERTY SHOULD BE FORFEITED TO THE STATE, HE SHALL PETITION THE CIRCUIT COURT OF THE APPROPRIATE SUBDIVISION IN THE NAME OF THE STATE OF MARYLAND AGAINST THE PROPERTY AS DESIGNATED BY MAKE, MODEL, YEAR, AND MOTOR OR SERIAL NUMBER OR OTHER IDENTIFYING CHARACTERISTIC. THE PETITION SHALL ALLEGE THE SEIZURE AND SET FORTH IN GENERAL TERMS THE CAUSES OR GROUNDS OF FORFEITURE. IT SHALL ALSO PRAY THAT THE PROPERTY BE CONDEMNED AS FORFEITED TO THE STATE AND DISPOSED OF ACCORDING TO LAW.