

REGULATION PROMULGATED PURSUANT TO IT, MAY SEIZE EVERY BIRD, MAMMAL, REPTILE, AND AMPHIBIAN UNLAWFULLY CAUGHT, SOLD, OFFERED FOR SALE, TRANSPORTED, OR POSSESSED. THE DEPARTMENT MAY DISPOSE OF ANY SEIZED SPECIE OF WILDLIFE AT ITS DISCRETION.

REVISOR'S NOTE: This section is new language modeled after a similar provision in Title 4, derived from Article 66C, sections 237 and 713(m) of the Code and similar provisions of Article 66C.

This section is separated from the section of this subtitle concerning seizure and disposition of equipment and devices to emphasize the different manner of disposition. Since game is a perishable item, immediate disposal upon seizure by authorities is desirable.

10-1106. SEIZURE, FORFEITURE, AND DISPOSITION OF DEVICES, EQUIPMENT, OR PROPERTY; EXCEPTIONS.

(A) SEIZURE, FORFEITURE, AND DISPOSITION OF DEVICES, EQUIPMENT, OR PROPERTY. - A NATURAL RESOURCES POLICE OFFICER OR ANY LAW ENFORCEMENT OFFICER, UPON ARRESTING ANY PERSON FOR VIOLATING ANY PROVISION OF THIS TITLE OR ANY RULE OR REGULATION PROMULGATED PURSUANT TO IT, MAY SEIZE ANY DEVICE, EQUIPMENT, CONVEYANCE, OR PROPERTY UNLAWFULLY USED. IF THE OWNER OR PERSON IN CHARGE OF THE SEIZED DEVICE, EQUIPMENT, CONVEYANCE, OR PROPERTY IS CONVICTED, THE COURT MAY DECLARE THE DEVICE, EQUIPMENT, CONVEYANCE, OR PROPERTY FORFEITED, IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS TITLE. ANY FORFEITURE BECOMES THE PROPERTY OF THE DEPARTMENT FOR DISPOSITION AT ITS DISCRETION. IF THE OWNER IS NOT KNOWN, THE COURT MAY PROCEED EX PARTE TO HEAR AND DETERMINE ANY QUESTION OF FORFEITURE. IF THE OWNER OR PERSON CHARGED WITH THE VIOLATION IS NOT CONVICTED, THE DEVICE, EQUIPMENT, CONVEYANCE, OR PROPERTY SEIZED SHALL BE RELEASED AND RETURNED TO HIM.

(E) EXCEPTIONS. - THE DEVICE, CONVEYANCE, OR PROPERTY MAY NOT BE [[SEIZED OR]] FORFEITED IF THE OWNER WAS NOT A CONSENTING PARTY OR PRIVY TO A VIOLATION.

REVISOR'S NOTE: Subsection (a) is new language modeled after an identical provision in Title 4 which is derived from Article 66C, sections 238, 240, 241, 310, and other