

similar provisions providing for seizure and forfeiture of unlawfully used devices, equipment, and property. Several wildlife provisions of Article 66C, allow for similar disposition. See, e.g., sections 122, 153(d), and 154(d). The intent is to set forth a uniform seizure and forfeiture procedure rather than retaining the several different provisions presently scattered throughout Article 66C.

Forfeiture is made a discretionary matter of the court with the use of the word "may".

Subsection (b) is new language modeled after an identical provision added by the Legislative Council to Title 4 to protect innocent third parties.

Notwithstanding Article 26, section 155 of the Code which provides that all forfeitures are remitted to the District Court system, this provision instead declares that forfeitures become property of the department. The District Court system appears ill-equipped to handle these forfeited items. The District Court is not anxious to assume this function and is content to allow the department to appropriately dispose of items. To date, the District Court has not had any such forfeiture situations to deal with.

The department would like to retain some forfeited property for departmental use rather than be compelled to sell it at public auction, as they are required to do presently by statute. This proposed procedure would particularly benefit the inland enforcement officers whose only source of funds at present is the State Fish and Game Protection Fund.

[[10-1107. SEVERABILITY.

IF ANY CLAUSE, SENTENCE, PARAGRAPH, OR SECTION OF THIS TITLE IS FOR ANY REASON ADJUDGED UNCONSTITUTIONAL, THE JUDGMENT DOES NOT AFFECT OR INVALIDATE THE REMAINDER BUT IS CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, OR