

ANY LOT OF AGRICULTURAL, VEGETABLE, HERB, FLOWER, TREE, OR SHRUB SEED NOT IN COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE SHALL BE SUBJECT TO SEIZURE ON COMPLAINT OF THE SECRETARY TO A COURT IN THE COUNTY IN WHICH THE SEED IS LOCATED. IF THE COURT FINDS THE SEED IS IN VIOLATION OF THIS SUBTITLE AND ORDERS THE CONDEMNATION OF THE SEED, IT SHALL BE DENATURED, PROCESSED, DESTROYED, RELABELED, OR OTHERWISE DISPOSED OF IN COMPLIANCE WITH THE LAWS OF THE STATE. HOWEVER, THE COURT MAY NOT ORDER THIS DISPOSITION WITHOUT FIRST GIVING THE CLAIMANT AN OPPORTUNITY TO APPLY TO THE COURT FOR THE RELEASE OF THE SEED OR FOR PERMISSION TO PROCESS OR RELABEL IT TO BRING IT INTO COMPLIANCE WITH THIS SUBTITLE.

REVISOR'S NOTE: This section presently appears as Art. 48, §158 of the Code. The present reference to court "of competent jurisdiction" is proposed for deletion because the revision of this Article assumes that only courts of competent jurisdiction will hear cases arising under the Article. The only other changes made are in style.

SEC. 9-213. PROSECUTIONS.

(A) SECRETARY MAY INSTITUTE JUDICIAL PROCEEDINGS.

WHEN THE SECRETARY FINDS THAT ANY PERSON HAS VIOLATED ANY OF THE PROVISIONS OF THIS SUBTITLE, HE MAY INSTITUTE JUDICIAL PROCEEDINGS IN THE COUNTY IN WHICH THE VIOLATION OCCURRED. HE MAY FILE INFORMATION WITH THE ATTORNEY GENERAL WITH THE VIEW OF PROSECUTION.

(B) PRIVATE HEARING.

NO PROSECUTION UNDER THIS SUBTITLE MAY BE INSTITUTED WITHOUT FIRST AFFORDING THE DEFENDANT AN OPPORTUNITY FOR A PRIVATE HEARING BEFORE THE SECRETARY TO INTRODUCE EVIDENCE EITHER IN PERSON OR BY ATTORNEY. A PRIVATE HEARING MAY CONSIST OF A DISCUSSION OF FACTS BETWEEN THE PERSON CHARGED AND ENFORCEMENT OFFICERS. AFTER THE HEARING, OR IF THE DEFENDANT OR HIS ATTORNEY FAILS OR REFUSES TO APPEAR, THE SECRETARY SHALL PROCEED AS PROVIDED, IF HE BELIEVES THE EVIDENCE WARRANTS PROSECUTION.

(C) STATE'S ATTORNEY.