

HANDGUN, IT SHALL PROMPTLY NOTIFY THE OWNER THAT HE MAY APPLY WITHIN 30 DAYS TO THE SEIZING AUTHORITY FOR A REVIEW TO DETERMINE WHETHER THE OWNER KNEW OR SHOULD HAVE KNOWN THAT THE HANDGUN WAS WORN, CARRIED, TRANSPORTED OR USED IN VIOLATION OF SECTION 36B, AND WHETHER THE OWNER IS QUALIFIED TO POSSESS IT. QUALIFICATION FOR POSSESSION IS THE SAME AS FOR SALE OR TRANSFER UNDER SECTION 442 OF THIS ARTICLE. KNOWINGLY GIVING FALSE INFORMATION OR MAKING A MATERIAL MISSTATEMENT IN THE APPLICATION FOR REVIEW OR AN INVESTIGATION PURSUANT THERETO IS SUBJECT TO THE PENALTIES SET FORTH IN SECTION 448 OF THIS ARTICLE.

(2) UPON TIMELY RECEIPT OF AN APPLICATION, THE SEIZING AUTHORITY SHALL HOLD AN INFORMAL REVIEW NOT SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT ON THE MATTER OF WHETHER THE OWNER EITHER KNEW OR SHOULD HAVE KNOWN OF THE USE OR INTENDED USE OF THE HANDGUN IN VIOLATION OF SECTION 36B. IF, AFTER THAT REVIEW, THE DETERMINATION OF THE SEIZING AUTHORITY IS FAVORABLE TO THE OWNER, THE HANDGUN SHALL BE RELEASED TO THE OWNER IF HE IS QUALIFIED TO POSSESS IT, UNLESS THE HANDGUN IS NEEDED AS EVIDENCE IN A CRIMINAL CASE OR INVESTIGATION, IN WHICH EVENT THE HANDGUN SHALL BE PROMPTLY RETURNED UPON THE FINAL CONCLUSION OF THE CASE OR INVESTIGATION.

(3) IF THE SEIZING AUTHORITY DETERMINES AFTER REVIEW THAT THE HANDGUN SHOULD BE FORFEITED TO THE STATE, THE OWNER SHALL BE SO NOTIFIED AT HIS LAST KNOWN ADDRESS AND WITHIN 30 DAYS THEREAFTER HE MAY PETITION THE APPROPRIATE DISTRICT COURT FOR RELEASE OF THE HANDGUN TO HIM. THE STATE'S ATTORNEY SHALL REPRESENT THE STATE IN THE ACTION. THE COURT SHALL HEAR THE MATTER AND GRANT WHATEVER RELIEF IS PROPER AND IN ACCORDANCE WITH THIS SUBSECTION.

(4) IN A PROCEEDING IN A CRIMINAL CAUSE INVOLVING A SEIZED HANDGUN A COURT MAY ORDER FORFEITURE OR RELEASE OF THE SEIZED HANDGUN IN ACCORDANCE WITH THE CRITERIA FOR RELEASE SET FORTH IN THIS SUBSECTION. PERSONS WHO HAVE MADE WRITTEN CLAIM OF OWNERSHIP OF A HANDGUN TO THE SEIZING AUTHORITY OR THE STATE'S ATTORNEY SHALL BE NOTIFIED OF THE PROCEEDING AND OF THE CLAIMANT'S RIGHT TO PRESENT HIS CLAIM AT THE PROCEEDING. A CLAIMANT WHO HAS COMPLETED THE REVIEW PROCEDURE PROVIDED FOR BY THIS SUBSECTION DOES NOT HAVE THE RIGHT TO A SECOND REVIEW UNDER THIS PARAGRAPH.

(5) IF NO TIMELY APPLICATION FOR A REVIEW UNDER (2) OR A PETITION TO THE COURT UNDER (3) IS EFFECTED, OR ORDER FOR RELEASE UNDER (4) IS ISSUED, THE HANDGUN SHALL BE FORFEITED TO THE STATE WITHOUT FURTHER PROCEEDINGS AND DESTROYED BY THE SEIZING AUTHORITY OR DISPOSED OF IN ACCORDANCE WITH (D).

(6) IF A REPUTED OWNER OF A SEIZED HANDGUN IS NOT ASCERTAINED AND LOCATED PURSUANT TO INQUIRY OR INVESTIGATION CONDUCTED UNDER (1), THE HANDGUN IS FORFEITED TO THE STATE WITHOUT FURTHER PROCEEDINGS.