

Article 27 - Crimes and Punishments

264.

(a) Whenever any money, currency, or cash [shall be] IS seized or captured by any police officer in Baltimore City, Allegany, Anne Arundel, Calvert, Carroll, Cecil, Garrett, Harford, Howard, Kent, Prince George's, St. Mary's, Washington and Wicomico counties in connection with any arrest for the playing or operation of any bookmaking, betting and wagering on horses or athletic events, or any lottery, game, table, or gaming device unlawful under the provisions of this article, all such money, currency, or cash shall be deemed prima facie to be contraband of law as a gambling device or as a part of a gambling operation. All rights, title, and interest in and to such money, currency, or cash shall immediately vest in and to the local governments of the city and counties, OR IF SEIZED BY STATE AUTHORITIES, TO THE STATE, and no such money, currency, or cash shall be returned to any person claiming the same, or to any other person, except [in the manner hereinafter in this section provided.] AS PROVIDED IN THIS SECTION. THE BALTIMORE CITY POLICE DEPARTMENT IS NOT A STATE AUTHORITY FOR THE PURPOSES OF THIS SECTION.

(c) If the trial or other ultimate disposition of such charge or charges, indictment or indictments, results in a record of conviction being entered against the person or persons so arrested, in connection with which the [said] money, currency, or cash may have been so seized or captured, THE STATE TREASURER, the county treasurer of the county or director of finance in Baltimore City, shall within [ninety] ~~480~~ 90 days from the date of the record of the entry of such conviction, unless the case is appealed to an appellate court, make application to the DISTRICT COURT OF circuit court of the county OR TO THE DISTRICT COURT OF BALTIMORE CITY OR A LAW COURT OF THE SUPREME BENCH OF BALTIMORE CITY, for an order declaring and ordering that such money, currency or cash in the custody of the STATE TREASURER, director of finance or county treasurer shall be forfeited to the sole use and gain of the STATE, county or city. The court to which any such application has been directed shall establish to its satisfaction that there is no pending and undetermined suit or proceeding which has been filed in any court of competent jurisdiction, against the director of finance or treasurer, seeking a return or recovery of the money, currency or cash so held in custody, before the court shall proceed so to order a forfeiture of such money, currency or cash to the STATE, county OR BALTIMORE CITY.

(1) All applications for the forfeiture of contraband shall be by petition and a copy of the petition and show cause order shall be served in the first instance pursuant to Rule 104 of the Maryland Rules