

court, poses definite practical and interpretive problems.

The Attorney General has advised me that there is a need to examine the interplay of Section 551 and other provisions of law relating to seizure of property because of the interpretive problems with these statutes which House Bill 618 may raise. A copy of the opinion of the Attorney General is attached and should be considered a part of this message.

My action on this bill, after extensive review, primarily reflects my uneasiness with its possible unintended effects on the administration of justice. While, as a general proposition, I share the view that a person acquitted or otherwise relieved of criminal charges is entitled to have his other property returned if its possession is not illegal per se, there may be circumstances where that practice may be totally inappropriate. The concerns of law enforcement officials as well as the advice of the Attorney General fortify my view that the matter should be more fully considered by the General Assembly at the next session. I am aware of no urgency that would compel me to sign this bill into law.

For these reasons, I have decided to veto House Bill 618.

Sincerely,
Harry Hughes
Governor

May 24, 1984

The Honorable Harry R. Hughes
State House
Annapolis, Maryland 21404

Re: House Bill 618

Dear Governor Hughes:

House Bill 618 would amend Article 27, § 551 and would add a new § 551A, to require that all property seized by the police, the possession of which is not illegal per se, be returned automatically to its owner if a criminal case finally results in entry of a nolle prosequi, dismissal, or acquittal. Presently the law permits (but does not require) the automatic return of property which is neither contraband nor prohibited by law from being recoverable under those circumstances.

Concern has been expressed on the impact of these changes on forfeiture provisions elsewhere in Maryland law. Under existing law, for example, § 551 (b) does not affect "the disposition of money seized pursuant to gambling violations" under § 264. Director of Finance, Prince George's County v. Cole, 296 Md. 607, 636 (1983). That result was based, in part, on language in §