

AN ACT concerning

Search and Seizure - Return of Property

FOR the purpose of requiring that certain property which is seized pursuant to a search warrant or which is seized during a warrantless search shall be returned to the person from whom it was seized if the case is disposed of by an entry of a nolle prosequi, dismissal, or acquittal ~~due--to~~ , including one which results from the suppression of seized evidence, which is not appealed; and generally relating to return of seized property.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 551(b)
Annotated Code of Maryland
(1982 Replacement Volume and 1983 Supplement)

BY adding to

Article 27 - Crimes and Punishments
Section 551A
Annotated Code of Maryland
(1982 Replacement Volume and 1983 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

551.

(b) If the criminal case in which property of a person was seized pursuant to a search warrant issued under subsection (a) of this section is disposed of because of (i) an entry of nolle prosequi, (ii) dismissal, or (iii) acquittal ~~due--to~~ , INCLUDING ONE WHICH RESULTS FROM THE SUPPRESSION OF SEIZED EVIDENCE, [or] AND if the State does not appeal such a criminal case or if the time for appeal has expired, all property of the person, [except contraband or any property prohibited by law from being recoverable] THE POSSESSION OF WHICH IS NOT ILLEGAL PER SE, [may] SHALL be returned to the person to whom it belongs without the necessity of that person instituting an action for replevin or any other legal proceeding against the agency having custody of the property.

551A.

IF THE CRIMINAL CASE IN WHICH PROPERTY OF A PERSON WAS SEIZED AS A RESULT OF A WARRANTLESS SEARCH IS DISPOSED OF BY (I)