

264.

(c) (1) 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 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, or the municipal treasurer or director of finance of the municipality, shall within 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 or circuit court of the county, for an order declaring and ordering that such money, currency or cash in the custody of the State Treasurer, director of finance, or county or municipal 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 OR THE MUNICIPAL TREASURER OR DIRECTOR OF FINANCE OF THE MUNICIPALITY, 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.

DRAFTER'S NOTE: This adds a phrase previously amended throughout Article 27, § 264, but omitted by error from the 16th line in § 264(c)(1).

The phrase was added in Ch. 617 of the Acts of the Regular Session of the General Assembly of 1985.

The omission was noted by the State Attorney General in his bill review letter of May 1, 1985.

(2) 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 of Procedure or [Rule No. 104 of] the Maryland District Rules[, and thereafter, the summons having been returned non est, the State Treasurer, director of finance of Baltimore City or county treasurer, or municipal treasurer or director of finance of the municipality may proceed pursuant to Rule 105b, subsection 2 and subsection 3 of the Maryland Rules of Procedure as amended, or Rule No. 104h of the Maryland District Rules].

DRAFTER'S NOTE: This corrects outdated cross-references to various Maryland Rules of Procedure and Maryland District Rules in Article 27, § 264(c)(2) by substituting a stylistically preferred broad cross-reference to the Maryland Rules of Procedure and Maryland District Rules, generally.