

REVISOR'S NOTE: This section is new language that, in part, repeats the provisions of the first sentence of present Art. 2B, § 3(f)(3) and, in part, is derived without substantive change from former Art. 56, § 138(e), and former Art. 81, § 462(b), as it related to a request for return of property.

Defined terms: "Comptroller" § 1-101  
"Conveyance" § 13-834 "Person" § 1-101  
"Property" § 1-101

13-838. LIEN HOLDER FORFEITURE PROCEDURES FOR SEIZED ALCOHOLIC BEVERAGES.

(A) IN GENERAL.

A PERSON FORFEITS ANY INTEREST, RIGHT, OR TITLE TO PROPERTY THAT IS SEIZED FOR VIOLATION OF THE ALCOHOLIC BEVERAGE TAX LAWS IF THE PERSON:

(1) FAILS TO FILE A CLAIM FOR RETURN OF THE SEIZED PROPERTY WITHIN THE TIME ALLOWED UNDER § 13-837 OF THIS SUBTITLE; OR

(2) IS ADJUDGED GUILTY OF VIOLATING THE ALCOHOLIC BEVERAGE TAX LAWS.

(B) COURT DETERMINATION ON FORFEITURE.

(1) THE CIRCUIT COURT FOR THE COUNTY IN WHICH PROPERTY IS SEIZED SHALL PROCEED IN REM TO HEAR AND DETERMINE THE QUESTION OF FORFEITURE OF PROPERTY SEIZED FOR VIOLATION OF THE ALCOHOLIC BEVERAGE TAX LAW.

(2) IF THE CIRCUIT COURT FINDS THAT THE LIEN HOLDER HAD KNOWLEDGE OF THE INTENDED UNLAWFUL USE OF THE PROPERTY, THE INTEREST, RIGHT, AND TITLE OF A LIEN HOLDER SHALL BE FORFEITED.

(3) ABSENT A FINDING UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER IN THE BEST INTEREST OF THE STATE MAY:

(I) PAY THE OUTSTANDING INDEBTEDNESS SECURED BY THE LAWFUL LIEN AND KEEP THE PROPERTY; OR

(II) DELIVER THE PROPERTY TO THE LIEN HOLDER.

REVISOR'S NOTE: This section is new language added to incorporate the substance of present Art. 2B, § 3(f)(1), (3), and (4).

It is revised to apply to contraband cigarettes as well as contraband alcoholic beverages to clarify that the procedure applies to any seized property.