

THE COMPTROLLER SHALL MAKE APPROPRIATE DISTRIBUTIONS IN THE MANNER REQUIRED UNDER TITLE 2 OF THIS ARTICLE FOR DISTRIBUTIONS OF REVENUE FROM THE ALCOHOLIC BEVERAGE TAX, MOTOR FUEL TAX, OR THE TOBACCO TAX FOR:

(1) THE GROSS PROCEEDS FROM THE SALE OF CONTRABAND ALCOHOLIC BEVERAGES AND CONTRABAND CIGARETTES; AND

(2) THE NET PROCEEDS FROM THE SALE OF CONTRABAND MOTOR FUEL AND ANY CONVEYANCE AFTER PAYING:

(I) THE COSTS INCURRED IN CONJUNCTION WITH THE SEIZURE AND DISPOSAL OF THE PROPERTY;

(II) THE COST OF THE SALE; AND

(III) ANY BONA FIDE LIEN AGAINST THE CONVEYANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 138(g) and (h) and from former Art. 81, § 462 1/2.

It is revised to apply to contraband alcoholic beverages, as well as contraband cigarettes, for clarity.

In subsection (b) of this section, the word "forfeited" is added to clarify that the property must be forfeited before the Comptroller makes a disposition of the property.

The Tax - General Article Review Committee notes, for consideration of the General Assembly, that the motor fuel tax law requires distribution of "net" proceeds from the sale of contraband and allows payment of costs incurred in connection with the seizure and disposal of contraband and conveyances. The General Assembly may wish to make a similar uniform provision for all proceeds from contraband and conveyances.

- Defined terms: "Alcoholic beverage tax" § 1-101
- "Comptroller" § 1-101
- "Contraband alcoholic beverage" § 13-834
- "Contraband cigarettes" § 13-834
- "Contraband motor fuel" § 13-834
- "Conveyance" § 13-834
- "Motor fuel tax" § 1-101
- "Tobacco tax" § 1-101

13-842. EFFECT OF SEIZURE AND SALE.

A PERSON WHO POSSESSED CONTRABAND ALCOHOLIC BEVERAGES, CONTRABAND CIGARETTES, OR CONTRABAND MOTOR FUEL THAT ARE SEIZED AND SOLD UNDER THIS SECTION IS NOT RELIEVED FROM ANY PENALTY UNDER THIS TITLE.