

Occurred: Ch. 403, Acts of 1970.

(d) Except as provided under subsection (j) of this section, whenever property is forfeited under this subheading, the political subdivision in which such property was seized, or, if the property was seized by State authorities, the State may:

(2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, provided that the proceeds be disposed of for payment of all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising and court costs; OR

(f) In exercising the authority to seize motor vehicles pursuant to this section the following standards shall be utilized:

(1) A motor vehicle used in violation of this section shall be seized and forfeiture recommended to the State's Attorney when:

(ii) Although the violator has not sold or attempted to sell controlled dangerous substances in violation of this subtitle, an amount of such substances or paraphernalia is located which would reasonably indicate that sale is contemplated by the violator; OR

(iii) The total circumstances of the case dictate that seizure and forfeiture is justified; these circumstances would include such factors as the following:

(e) Circumstances of the arrest; OR

(2) A motor vehicle used in violation of this subtitle shall not be seized and forfeiture shall not be recommended to the State's Attorney when:

(ii) An innocent registered owner lends his motor vehicle to another and the latter or someone invited into the motor vehicle by such person causes controlled dangerous substances or paraphernalia to be brought into the vehicle without the knowledge of the owner; OR

DRAFTER'S NOTE:

Error: Missing conjunctions in Article 27, § 297 (d)(2) and (f)(1)(ii) and (iii)(e) and (2)(ii).

Occurred: In subsection (d), Ch. 403, Acts of 1970; in subsection (f), Ch. 659, Acts of 1972.