

10-1106.

(a) A natural resources police officer or any law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, may seize any device, equipment, conveyance, or property unlawfully used. If the owner or person in charge of the seized device, equipment, conveyance, or property is convicted, the court may declare the device, equipment, conveyance, or property forfeited, in addition to any other penalty provided in this title. Any forfeiture becomes the property of the Department for disposition at its discretion. If the owner is not known, the court may proceed ex parte to hear and determine any question of forfeiture. If the owner or person charged with the violation is not convicted, the device, equipment, conveyance, or property seized shall be released and returned to him.

(b) The device, conveyance, or property may not be forfeited if the owner was not a consenting party or privy to a violation.

10-1107.

(a) If a person is convicted of violating any provision of this title and the violation causes or results in the injury, death, or destruction of any wildlife, including a protected species of animal, in addition to any other penalty provided in this title, the court may order the person to pay restitution to the State for the resource value of the wildlife, as determined by the court, taking into account regulations adopted by the Department under subsection (b) of this section.

(b) The Department shall, by regulation, establish a schedule of resource values for individual species or describe a system that a court may use in determining the resource value for the species. The Department may use, but not be limited to, known values to actually replace lost species or the Department may ascribe to a species a value which the individual wildlife or plant provides to the greater public good for the citizens of Maryland.

(c) (1) If 2 or more defendants are convicted for the same violation causing or resulting in the injury, death, or destruction of protected species of animal, the court may impose restitution against them jointly and equally.

(2) Restitution under this section shall be paid within the time prescribed by the court.

(3) In each instance, the court shall order the person to pay the restitution to the State of Maryland. Moneys paid under this section shall be credited to the Department of Natural Resources to be used only for the replacement, habitat