

289.

(a) It shall be unlawful for any person:

(1) Who is a registrant to distribute a controlled dangerous substance classified in [Schedules] SCHEDULE I or II, in the course of his legitimate business, except pursuant to an order form as required by § 284 of this subheading;

DRAFTER'S NOTE:

Error: Grammatical error in Article 27, § 289(a)(1).

Occurred: Ch. 403, Acts of 1970.

297.

(d) (2) In the event of seizure pursuant to paragraph (1)(iii) and (iv) of this subsection, proceedings under subsection (f) of this section shall be instituted promptly, except all proceedings relating to money or currency, that shall be instituted within 90 days from the date of final disposition of criminal proceedings that arise out of [Article 27,] §§ 276 through 302[, inclusive] OF THIS ARTICLE.

(i) All applications for the forfeiture of money or currency contraband shall be made by the director of finance of Baltimore City, the county treasurer or appropriate county finance officer, municipal treasurer, or the Attorney General. The applications shall be by complaint, affidavit and show cause order and shall be filed in the District Court or circuit court of the county.

(ii) The complaint, affidavit and show cause order shall be served in the first instance pursuant to Maryland Rule 2-121 or Maryland Rule 3-121(a), and thereafter, the summons having been returned non est, the director of finance of Baltimore City, county treasurer or appropriate county finance officer, municipal treasurer, or Attorney General may proceed pursuant to Maryland Rule 2-122 or Maryland Rule 3-121(b) or (c).

(l) (1) Except as provided in paragraph (2) of this subsection, when the State establishes by clear and convincing evidence that a person has committed a violation of [Article 27,] § 286, § 286A, § 286B, [or] § 286C [of the Code], or [Article 27,] § 290 of [the Code] THIS ARTICLE in relation to these offenses, there is a rebuttable presumption that any property or any portion thereof in which that person has an ownership interest is subject to forfeiture as proceeds if the State establishes by clear and convincing evidence that:

(i) The property was acquired by such person during the period in which such person had committed violations of [Article 27,] § 286, § 286A, § 286B, [or] § 286C [of the Code], or [Article 27,] § 290 of [the Code] THIS ARTICLE in relation to these offenses, or within a reasonable time after such period; and

(ii) There was no likely source for such property other than the violation of [Article 27,] § 286, § 286A, § 286B, [or] § 286C [of the Code], or [Article 27,] § 290 of [the Code] THIS ARTICLE in relation to these offenses.