

(1997 Replacement Volume and 1999 Supplement)

BY adding to

Article 88B - Department of State Police

Section 81

Annotated Code of Maryland

(1998 Replacement Volume and 1999 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 27 - Crimes and Punishments**

36C.

(a) The following items of property shall be subject to seizure and forfeiture, and, upon forfeiture, no property right shall exist in them:

(1) Any handgun being worn, carried, or transported in violation of § 36B, OR SOLD, RENTED, TRANSFERRED, OR POSSESSED IN VIOLATION OF § 442, § 442A, OR § 445 of this article; and

(2) All ammunition or other parts of or appurtenances to any such handgun worn, carried, or transported by such person or found in the immediate vicinity of such handgun.

(b) (1) Any property subject to seizure under subsection (a) hereof may be seized by any duly authorized law enforcement officer, as an incident to an arrest or search and seizure.

(2) Any such officer seizing such property under this section shall either place the property under seal or remove the same to a location designated either by the Department of State Police or by the law enforcement agency having jurisdiction in the locality.

(c) (1) Upon the seizure of a handgun pursuant to this section, the seizing authority shall attempt to ascertain and locate its owner by whatever inquiry and investigation is considered appropriate. If, as a result of an inquiry or investigation, the name and address of the reputed owner of the handgun is ascertained and the owner is a nonresident of Maryland, the seizing authority shall notify the appropriate law enforcement agency of the jurisdiction of which the owner is a resident and forward the handgun to that agency for disposition if the handgun is not needed for investigation or evidence or disposed of under paragraph (4) of this subsection. If the owner is a resident of the State the seizing authority may return the handgun to the owner. If the seizing authority does not return the handgun, it shall promptly notify the owner that he may apply within 30 days to the seizing authority for a review to determine whether the owner knew or should have known that the handgun was worn, carried, transported or used in violation of § 36B, and whether the owner is qualified to possess it. Qualification for possession is the same as for sale or transfer under § 442 of this article. Knowingly giving false information or making a material