

misstatement in the application for review or an investigation pursuant thereto is subject to the penalties set forth in § 449 of this article.

(2) Upon timely receipt of an application, the seizing authority shall hold an informal review not subject to the Administrative Procedure Act on the matter of whether the owner either knew or should have known of the use or intended use of the handgun in violation of § 36B. If, after that review, the determination of the seizing authority is favorable to the owner, the handgun shall be released to the owner if he is qualified to possess it, unless the handgun is needed as evidence in a criminal case or investigation, in which event the handgun shall be promptly returned upon the final conclusion of the case or investigation.

(3) If the seizing authority determines after review that the handgun should be forfeited to the State, the owner shall be so notified at his last known address and within 30 days thereafter he may petition the appropriate District Court for release of the handgun to him. The State's Attorney shall represent the State in the action. The court shall hear the matter and grant whatever relief is proper and in accordance with this subsection.

(4) In a proceeding in a criminal cause involving a seized handgun a court may order forfeiture or release of the seized handgun in accordance with the criteria for release set forth in this subsection. Persons who have made written claim of ownership of a handgun to the seizing authority or the State's Attorney shall be notified of the proceeding and of the claimant's right to present his claim at the proceeding. A claimant who has completed the review procedure provided for by this subsection does not have the right to a second review under this paragraph.

(5) If no timely application for a review under paragraph (2) of this subsection or a petition to the court under paragraph (3) of this subsection is effected, or order for release under paragraph (4) of this subsection is issued, the handgun shall be forfeited to the State without further proceedings and destroyed by the seizing authority or disposed of in accordance with subsection (d) of this section.

(6) If a reputed owner of a seized handgun is not ascertained and located pursuant to inquiry or investigation conducted under paragraph (1) of this subsection, the handgun is forfeited to the State without further proceedings.

(d) (1) Whenever property is forfeited under this section, the law enforcement agency seeking forfeiture of the property may ONLY:

(i) Order the property retained for the official use of the law enforcement agency; [or]

(ii) [Make such other disposition of the property as the law enforcement agency deems appropriate] DESTROY THE FORFEITED PROPERTY; OR

(III) SELL, EXCHANGE, OR TRANSFER THE FORFEITED PROPERTY TO ANOTHER LAW ENFORCEMENT AGENCY FOR OFFICIAL USE BY THAT AGENCY.

(2) Within 30 days of the disposition of the forfeited property, the law enforcement agency shall notify the Secretary of the State Police of: