

"Person" § 1-101

"Property" § 12-101

"Real property" § 12-101

SUBTITLE 2. SEIZURE.

12-201. SEIZURE AND SUMMARY FORFEITURE OF CONTRABAND.

(A) SCHEDULE I SUBSTANCES — POSSESSION, TRANSFERENCE, AND SALE.

A SCHEDULE I SUBSTANCE LISTED IN ARTICLE 27, § 279 OF THE CODE SHALL BE SEIZED AND SUMMARILY FORFEITED TO THE STATE IF THE SUBSTANCE IS:

(1) POSSESSED, TRANSFERRED, SOLD, OR OFFERED FOR SALE IN VIOLATION OF THE CONTROLLED DANGEROUS SUBSTANCES LAW; OR

(2) POSSESSED BY THE STATE AND ITS OWNER IS NOT KNOWN.

(B) SCHEDULE I OR II SUBSTANCES — PLANTING OR CULTIVATION.

A PLANT MAY BE SEIZED AND SUMMARILY FORFEITED TO THE STATE IF THE PLANT:

(1) IS ONE FROM WHICH A SCHEDULE I OR SCHEDULE II SUBSTANCE LISTED IN ARTICLE 27, § 279 OF THE CODE MAY BE DERIVED; AND

(2) (I) HAS BEEN PLANTED OR CULTIVATED IN VIOLATION OF THE CONTROLLED DANGEROUS SUBSTANCES LAW;

(II) HAS AN UNKNOWN OWNER OR CULTIVATOR; OR

(III) IS A WILD GROWTH.

(C) FAILURE TO PROVIDE REGISTRATION OR PROOF OF IDENTITY.

THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY SEIZE AND SUBJECT A PLANT TO FORFEITURE IF THE PERSON THAT OCCUPIES OR CONTROLS THE PLACE WHERE THE PLANT IS GROWING OR BEING STORED FAILS, ON DEMAND FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, TO PRODUCE AN APPROPRIATE REGISTRATION OR PROOF THAT THE PERSON IS THE HOLDER OF A REGISTRATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 297(g).

In subsection (a) of this section, the former reference to substances that "shall be deemed contraband" is deleted in light of the requirement that the substances be seized and summarily forfeited to the State.

In subsection (a)(2) of this section, the former reference to substances that are "seized [by the State]" is deleted as included in the reference to substances that are "possessed" by the State.