

In subsection (a)(3) of this section, the reference to "standards listed in § 12-204(b) of this subtitle" is substituted for the former reference to "the above guidelines" for clarity.

Defined terms: "Forfeiting authority" § 12-101
"Seizing authority" § 12-101

12-207. RETURN OF VEHICLE TO OWNER AFTER SEIZURE.

(A) SURRENDER OF MOTOR VEHICLE TO OWNER.

THE FORFEITING AUTHORITY SHALL SURRENDER THE MOTOR VEHICLE ON REQUEST TO THE OWNER IF THE FORFEITING AUTHORITY DETERMINES, INDEPENDENT OF THE DECISION OF THE SEIZING AUTHORITY, THAT:

(1) THE MOTOR VEHICLE FALLS WITHIN THE PURVIEW OF § 12-205 OF THIS SUBTITLE; OR

(2) THE STANDARDS LISTED UNDER § 12-204(B) OF THIS SUBTITLE WERE NOT MET.

(B) COURT REVIEW.

IN A PROCEEDING UNDER THIS TITLE, THE COURT MAY DETERMINE, BASED ON THE STANDARDS LISTED IN § 12-204(B) OF THIS SUBTITLE, WHETHER THE SEIZING AUTHORITY OR FORFEITING AUTHORITY ABUSED ITS DISCRETION OR WAS CLEARLY ERRONEOUS:

(1) IN RECOMMENDING THE FORFEITURE OF A MOTOR VEHICLE; OR

(2) IN NOT SURRENDERING ON REQUEST A MOTOR VEHICLE TO AN OWNER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 297(j) and (k)(1).

In subsection (b) of this section, the defined term seizing "authority" is substituted for the former reference to a "seizing agency" to conform to the terminology used throughout this title.

Defined terms: "Forfeiting authority" § 12-101
"Owner" § 12-101
"Seizing authority" § 12-101

12-208. OWNER OBTAINING POSSESSION OF SEIZED PROPERTY.

(A) NOTICE REQUIRED.

(1) EXCEPT AS PROVIDED IN §§ 12-209 AND 12-210 OF THIS SUBTITLE, AN OWNER OF SEIZED PROPERTY WHO WISHES TO OBTAIN POSSESSION OF THE PROPERTY, TO CONVEY AN INTEREST IN REAL PROPERTY, OR TO REMOVE A BUILDING OR FIXTURE FROM REAL PROPERTY SHALL NOTIFY THE CLERK OF THE PROPER COURT.