

(1) A PROCEEDING ABOUT MONEY SHALL BE FILED WITHIN 90 DAYS AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS THAT ARISE OUT OF THE CONTROLLED DANGEROUS SUBSTANCES LAW.

(2) IF THE STATE OR A POLITICAL SUBDIVISION DOES NOT FILE PROCEEDINGS ABOUT MONEY WITHIN THE 90-DAY PERIOD, THE MONEY SEIZED UNDER THIS TITLE SHALL BE RETURNED TO THE OWNER ON REQUEST BY THE OWNER.

(3) IF THE OWNER FAILS TO ASK THE RETURN OF THE MONEY WITHIN 1 YEAR AFTER THE FINAL DISPOSITION OF CRIMINAL PROCEEDINGS, AS PROVIDED UNDER § 12-403 OF THIS TITLE, THE MONEY SHALL REVERT TO:

(I) THE POLITICAL SUBDIVISION IN WHICH THE MONEY WAS SEIZED; OR

(II) THE STATE, IF THE MONEY WAS SEIZED BY STATE AUTHORITIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 297(h)(2) and (d)(3) and, as it related to proceedings about money, (2)(i).

In subsection (a)(2) of this section, the former reference to a violation "for a violation under this subheading" giving rise to the forfeiture is deleted as unnecessary.

In subsection (c)(1) of this section, the former reference to "currency" is deleted as included in the reference to "money".

In subsection (c)(2) and (3) of this section, the reference to an "owner" is substituted for the former reference to a "defendant" for clarity.

In subsection (c)(3)(i) and (ii) of this section, the reference to "the political subdivision in which the money was seized; or ... the State, if the money was seized by State authorities" is substituted for the former erroneous reference to a "treasury as provided by subsection (f) of this section". The reference to a "treasury" did not appear in former Art. 27, § 297(f).

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that in subsections (a) and (b) of this section, there is no indication regarding the consequences of the failure to meet the deadline for filing a complaint.

Defined terms: "Controlled Dangerous Substances law" § 12-101

"Final disposition" § 12-101

"Owner" § 12-101

12-305. CONTENTS AND DISTRIBUTION OF COMPLAINT.

(A) CONTENTS.

A COMPLAINT SEEKING FORFEITURE SHALL CONTAIN: