

WITHOUT A HEARING, THE COURT MAY ORDER FORFEITURE OF THE PROPERTY INTEREST OF A PERSON WHO FAILS TO TIMELY FILE AN ANSWER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 297(h)(6).

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section, the court is required only to set a hearing date within 60 days after the later of two events. The General Assembly may wish to require that a hearing actually be held within those 60 days.

Defined terms: "Person" § 1-101

"Property" § 12-101

12-309. FORFEITURE OF INTEREST IN REAL PROPERTY.

EXCEPT AS PROVIDED IN §§ 12-103(E) AND 12-312 OF THIS TITLE, AN OWNER'S INTEREST IN REAL PROPERTY MAY BE FORFEITED IF THE REAL PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF § 286, § 286A, § 286B, § 286C, OR § 290 OF ARTICLE 27 OF THE CODE.

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

The former reference to real property that was used in connection with a violation of certain sections of Article 27 "in relation to these offenses" is deleted as unnecessary.

Defined terms: "Owner" § 12-101

"Real property" § 12-101

12-310. FORFEITURE PROCEEDINGS FOR REAL PROPERTY.

(A) VENUE OF PROCEEDINGS.

FORFEITURE PROCEEDINGS FOR REAL PROPERTY MAY BE BROUGHT IN THE JURISDICTION WHERE:

- (1) THE CRIMINAL CHARGES ARE PENDING;
- (2) THE OWNER RESIDES; OR
- (3) THE REAL PROPERTY IS LOCATED.

(B) NOTICE OF PENDING LITIGATION.

(1) IF FORFEITURE PROCEEDINGS FOR REAL PROPERTY ARE BROUGHT IN A JURISDICTION OTHER THAN WHERE THE REAL PROPERTY IS LOCATED, A NOTICE OF PENDING LITIGATION SHALL BE FILED IN THE JURISDICTION WHERE THE PROPERTY IS LOCATED.

(2) A NOTICE OF PENDING LITIGATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST: