

(I) THE NAME AND ADDRESS OF THE OWNER OF THE REAL PROPERTY;

(II) A DESCRIPTION OF THE REAL PROPERTY; AND

(III) A DESCRIPTION OF THE REASONS FOR THE FILING OF THE FORFEITURE PROCEEDINGS AND NOTICE OF PENDING LITIGATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 297(m)(3).

In subsection (b) of this section, the reference to a "notice of pending litigation" is substituted for the former reference to "lis pendens" for clarity.

Defined terms: "Owner" § 12-101

"Property" § 12-101

"Real property" § 12-101

12-311. STAY OF FORFEITURE OF PRINCIPAL FAMILY RESIDENCE.

IF AN OWNER OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IS CONVICTED UNDER § 286, § 286A, § 286B, § 286C, OR § 290 OF ARTICLE 27 OF THE CODE AND THE OWNER FILES AN APPEAL OF THE CONVICTION, THE COURT SHALL STAY FORFEITURE PROCEEDINGS UNDER § 12-103(E) OR § 12-312(B) OF THIS TITLE AGAINST THE REAL PROPERTY DURING THE PENDENCY OF THE APPEAL.

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

Defined terms: "Owner" § 12-101

"Real property" § 12-101

12-312. FORFEITURE OF OWNERSHIP INTEREST IN PROPERTY.

(A) REBUTTABLE PRESUMPTION THAT PROPERTY IS SUBJECT TO FORFEITURE.

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THERE IS A REBUTTABLE PRESUMPTION THAT PROPERTY OR PART OF A PROPERTY IN WHICH A PERSON HAS AN OWNERSHIP INTEREST IS SUBJECT TO FORFEITURE AS PROCEEDS, IF THE STATE ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE PERSON HAS VIOLATED § 286, § 286A, § 286B, § 286C, OR § 290 OF ARTICLE 27 OF THE CODE;

(II) THE PROPERTY WAS ACQUIRED BY THE PERSON DURING THE VIOLATION OR WITHIN A REASONABLE TIME AFTER THE VIOLATION; AND

(III) THERE WAS NO OTHER LIKELY SOURCE FOR THE PROPERTY.

(2) A CLAIMANT OF THE PROPERTY HAS THE BURDEN OF PROOF TO REBUT THE PRESUMPTION IN PARAGRAPH (1) OF THIS SUBSECTION.