

12-403. DISPOSITION OF FORFEITED PROPERTY.

(A) OPTIONS FOR GOVERNING BODY.

(1) WHENEVER PROPERTY IS FORFEITED UNDER THIS TITLE, THE GOVERNING BODY WHERE THE PROPERTY WAS SEIZED MAY:

(I) KEEP THE PROPERTY FOR OFFICIAL USE;

(II) REQUIRE AN APPROPRIATE UNIT TO TAKE CUSTODY OF THE PROPERTY AND DESTROY OR OTHERWISE DISPOSE OF IT; OR

(III) SELL THE PROPERTY IF:

1. THE LAW DOES NOT REQUIRE THE PROPERTY TO BE DESTROYED; AND

2. THE PROPERTY IS NOT HARMFUL TO THE PUBLIC.

(2) THE PROCEEDS OF A SALE UNDER THIS SUBSECTION SHALL FIRST BE USED TO PAY ALL PROPER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE AND SALE, INCLUDING EXPENSES OF SEIZURE, MAINTENANCE OF CUSTODY, ADVERTISING, AND COURT COSTS.

(B) PROPERTY SEIZED BY STATE LAW ENFORCEMENT UNIT.

IF THE SEIZING AUTHORITY WAS A STATE LAW ENFORCEMENT UNIT:

(1) UNDER § 12-402(B) OF THIS SUBTITLE, THE COURT SHALL ORDER THE PROPERTY TO BE FORFEITED TO THE STATE LAW ENFORCEMENT UNIT; OR

(2) UNDER § 12-402(D)(2)(IV) OF THIS SUBTITLE, THE PROCEEDS OF THE SALE SHALL BE PAID TO THE STATE LAW ENFORCEMENT UNIT.

(C) DUTY OF STATE LAW ENFORCEMENT UNIT.

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE STATE LAW ENFORCEMENT UNIT THAT RECEIVES FORFEITED PROPERTY OR PROCEEDS FROM A SALE OF FORFEITED PROPERTY UNDER THIS SECTION SHALL:

(1) DISPOSE OF THE FORFEITED PROPERTY AS PROVIDED IN SUBSECTION (A) OF THIS SECTION; AND

(2) PAY TO THE GENERAL FUND OF THE STATE ANY PROCEEDS OF THE SALE OF THE FORFEITED PROPERTY.

(D) SHARING OF PROCEEDS BETWEEN LAW ENFORCEMENT UNITS.

EXCEPT AS OTHERWISE PROVIDED UNDER FEDERAL LAW, A LAW ENFORCEMENT UNIT OTHER THAN A STATE LAW ENFORCEMENT UNIT THAT PARTICIPATED WITH A STATE LAW ENFORCEMENT UNIT IN SEIZING PROPERTY FORFEITED UNDER THIS SECTION: