

SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON A FINAL DISPOSITION A CLAIMANT MAY ASK THE APPROPRIATE COURT FOR A DETERMINATION THAT THE MONEY IS THE PROPERTY OF THE CLAIMANT AND AN ORDER THAT THE MONEY BE RETURNED.

(C) DEADLINES FOR FILING COMPLAINT.

A CLAIMANT UNDER SUBSECTION (B) OF THIS SECTION MUST:

(1) APPLY WITHIN 1 YEAR AFTER THE JUDGMENT OR ORDER WAS ENTERED OR THE FINAL DISPOSITION WAS TAKEN; AND

(2) GIVE WRITTEN NOTICE TO THE FINANCIAL AUTHORITY AT LEAST 10 DAYS BEFORE FILING THE COMPLAINT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 264(d)(1) and the last clause of the second sentence of (a).

Throughout this section, the former references to "currency" and "cash" are deleted as unnecessary in light of the reference to "money".

In subsection (a) of this section, the former reference to money to be returned "to any person claiming the same, or to any other person" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to a "complaint" is substituted for the former reference to a "petition" to conform to the terminology used in the Maryland Rules.

Defined terms: "Final disposition" § 13-101

"Financial authority" § 13-101

13-107. PRIMA FACIE EVIDENCE — CONTRABAND.

(A) PRIMA FACIE EVIDENCE THAT MONEY IS NOT CONTRABAND.

IN A PROCEEDING ON A COMPLAINT FOR A RETURN OF MONEY, AN ACQUITTAL, DISMISSAL, OR NOLLE PROSEQUI WITH RESPECT TO THE GAMBLING CHARGES OR INDICTMENTS INVOLVED IN THE SEIZURE OF THE MONEY IS PRIMA FACIE EVIDENCE THAT THE MONEY IS NOT CONTRABAND.

(B) PRIMA FACIE EVIDENCE THAT MONEY IS CONTRABAND.

A CONVICTION, PLEA OF GUILTY OR OF NOLO CONTENDERE, OR PROBATION UNDER § 6-220 OF THIS ARTICLE IS PRIMA FACIE EVIDENCE THAT THE MONEY IS CONTRABAND.

(C) MARKING OF "STET".

MARKING A CHARGE "STET" ON THE DOCKET DOES NOT CREATE ANY PRESUMPTION AS TO WHETHER MONEY IS CONTRABAND.