

In subsection (a)(3) of this section, the former phrase "as a result of an inquiry or investigation" is deleted as implicit in light of subsection (a)(1) of this section. Similarly, the former reference to the requirement that the seizing authority shall "notify the appropriate law enforcement agency of the jurisdiction of which the owner is a resident" is deleted as included in the reference to the requirement that the seizing authority shall "send the handgun ... for disposition" to the appropriate law enforcement unit where the owner is a resident.

Defined term: "Person" § 1-101

13-204. DETERMINING OWNER'S KNOWLEDGE OF HANDGUN VIOLATION.

(A) INFORMAL REVIEW REQUIRED.

(1) ON TIMELY RECEIPT OF AN APPLICATION, THE SEIZING AUTHORITY SHALL HOLD AN INFORMAL REVIEW TO DETERMINE WHETHER THE OWNER KNEW OR SHOULD HAVE KNOWN OF THE USE OR INTENDED USE OF A HANDGUN THAT IS SEIZED IN VIOLATION OF ARTICLE 27, § 36B OF THE CODE.

(2) THE REVIEW IS NOT SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.

(B) DECISION IN FAVOR OF OWNER.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE HANDGUN THAT IS SEIZED SHALL BE RELEASED TO THE OWNER IF THE SEIZING AUTHORITY DECIDES IN FAVOR OF THE OWNER AND THE OWNER IS QUALIFIED TO POSSESS THE HANDGUN.

(2) IF THE HANDGUN IS NEEDED AS EVIDENCE IN A CRIMINAL CASE OR INVESTIGATION, THE HANDGUN SHALL BE PROMPTLY RETURNED WHEN THE CASE OR INVESTIGATION ENDS.

(C) DECISION IN FAVOR OF FORFEITURE.

(1) AFTER REVIEW, IF THE SEIZING AUTHORITY DETERMINES THAT THE HANDGUN SHOULD BE FORFEITED TO THE STATE, THE OWNER SHALL BE NOTIFIED AT THE OWNER'S LAST KNOWN ADDRESS.

(2) WITHIN 30 DAYS AFTER NOTIFICATION, THE OWNER MAY ASK THE APPROPRIATE DISTRICT COURT FOR RELEASE OF THE HANDGUN.

(3) THE STATE'S ATTORNEY SHALL REPRESENT THE STATE IN THE ACTION.

(4) THE DISTRICT COURT SHALL HEAR THE MATTER AND GRANT PROPER RELIEF IN ACCORDANCE WITH THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36C(c)(2) and (3).