

13-205. SEIZED HANDGUNS IN CRIMINAL CASES.

(A) IN GENERAL.

(1) IN A PROCEEDING IN A CRIMINAL CAUSE INVOLVING A SEIZED HANDGUN, A COURT MAY ORDER FORFEITURE OR RELEASE OF THE SEIZED HANDGUN IN ACCORDANCE WITH THIS SUBSECTION.

(2) A PERSON WHO HAS MADE A WRITTEN CLAIM OF OWNERSHIP OF A HANDGUN TO THE SEIZING AUTHORITY OR THE STATE'S ATTORNEY SHALL BE NOTIFIED OF THE PROCEEDING AND OF THE CLAIMANT'S RIGHT TO PRESENT THE CLAIM AT THE PROCEEDING.

(3) A CLAIMANT WHO HAS COMPLETED THE REVIEW PROCEDURE PROVIDED FOR BY THIS SUBTITLE IS NOT ENTITLED TO A SECOND REVIEW UNDER THIS SUBSECTION.

(B) IF APPLICATION REVIEW, PETITION, OR RELEASE DOES NOT OCCUR.

IF A TIMELY APPLICATION FOR A REVIEW OR A COMPLAINT TO THE COURT UNDER § 13-204 OF THIS SUBTITLE DOES NOT OCCUR, AND AN ORDER FOR RELEASE UNDER SUBSECTION (A) OF THIS SECTION IS NOT ISSUED, THE HANDGUN SHALL BE:

(1) FORFEITED TO THE STATE WITHOUT FURTHER PROCEEDINGS; AND

(2) DESTROYED BY THE SEIZING AUTHORITY OR DISPOSED OF IN ACCORDANCE WITH § 13-206 OF THIS SUBTITLE.

(C) IF OWNER IS NOT LOCATED.

IF AN OWNER OF A SEIZED HANDGUN IS NOT IDENTIFIED AND LOCATED, THE HANDGUN IS FORFEITED TO THE STATE WITHOUT FURTHER PROCEEDINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36C(c)(4), (5), and (6).

In subsection (b) 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.

In subsection (c) of this section, the former phrase "pursuant to inquiry or investigation conducted under paragraph (1) of this subsection" is deleted as implicit in light of § 13-201 of this subtitle.

Also in subsection (c) of this section, the former reference to a "reputed" owner is deleted as unnecessary.

Defined term: "Person" § 1-101

13-206. DISPOSITION OF FORFEITED PROPERTY.

(A) OPTIONS FOR LAW ENFORCEMENT UNIT.

WHENEVER PROPERTY IS FORFEITED UNDER THIS SUBTITLE, THE LAW ENFORCEMENT UNIT THAT SOUGHT FORFEITURE OF THE PROPERTY MAY ONLY: