

OF TITLE 11, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE, THE COURT ON CONVICTION OF THE PERSON SHALL ORDER THE MOTOR VEHICLE, OTHER VEHICLE, VESSEL, OR AIRCRAFT TO BE FORFEITED TO THE STATE OR A COUNTY, BASED ON WHICH JURISDICTION INITIATED THE INVESTIGATION.

(C) SECURITY INTERESTS.

IF A COURT ORDERS FORFEITURE UNDER SUBSECTION (B) OF THIS SECTION, THE INTEREST TRANSFERRED TO THE STATE OR COUNTY IS SUBORDINATE TO THE HOLDER OF A PERFECTED SECURITY INTEREST IN THE MOTOR VEHICLE, OTHER VEHICLE, VESSEL, OR AIRCRAFT.

(D) DISPOSITION OF FORFEITED PROPERTY.

(1) AFTER DISCHARGING ANY PERFECTED SECURITY INTEREST IN A FORFEITED MOTOR VEHICLE, OTHER VEHICLE, VESSEL, OR AIRCRAFT, THE SECRETARY OF STATE POLICE OR THE LOCAL GOVERNING BODY OF A COUNTY MAY:

(I) USE THE FORFEITED MOTOR VEHICLE, OTHER VEHICLE, VESSEL, OR AIRCRAFT FOR PUBLIC PURPOSES; OR

(II) SELL, EXCHANGE, OR CONVEY THE FORFEITED MOTOR VEHICLE, OTHER VEHICLE, VESSEL, OR AIRCRAFT.

(2) ANY MONEY RECEIVED FROM THE SALE, EXCHANGE, OR CONVEYANCE SHALL BE DEPOSITED IN THE GENERAL FUND OF THE STATE OR COUNTY.

REVISOR'S NOTE: Chapter 5, Acts of 2003, which enacted the Public Safety Article, also enacted this section, which is new language derived without substantive change from former Art. 38A, § 34F.

In subsections (b), (c), and (d) of this section, the former references to "Baltimore City" are deleted in light of the defined term "county", which includes Baltimore City. See § 1-101 of this article.

In subsection (b) of this section, the former references to "fine[s]" are deleted as included in the reference to a "penalty".

In subsection (c) of this section, the phrase "[i]f a court orders forfeiture under subsection (b) of this section" is added to state explicitly how the interest is transferred.

In subsection (d)(1) of this section, the general reference to the "local governing body" of a county is substituted for the former specific reference to the "county commissioners or the Mayor and City Council of Baltimore City" to conform to terminology used in the Public Safety Article. See Title 14, Subtitle 4 of the Public Safety Article. This provision applies to all counties in the State, regardless of their form of governance.

In subsection (d)(2) of this section, the former reference to "cash" is deleted as included in the reference to "money".