

(III) EQUIPPED WITH A FIREARM SILENCER

(E) FORFEITURE OF FIREARM.

(1) A FIREARM OR AMMUNITION SEIZED UNDER THIS SECTION IS CONTRABAND AND SHALL BE FORFEITED SUMMARILY TO A FORFEITING AUTHORITY.

(2) UNLESS OTHERWISE PROHIBITED BY LAW OR IF FORFEITURE PROCEEDINGS HAVE BEGUN, THE FORFEITING AUTHORITY SHALL RETURN THE SEIZED PROPERTY TO THE OWNER OR POSSESSOR WITHIN 90 DAYS AFTER THE DATE OF SEIZURE IF:

(I) THE OWNER OR POSSESSOR OF THE PROPERTY SEIZED IS ACQUITTED; OR

(II) THE CHARGES AGAINST THE PERSON ARE DISMISSED.

(3) UNLESS OTHERWISE PROHIBITED BY LAW, THE FORFEITING AUTHORITY SHALL RETURN THE SEIZED PROPERTY TO THE OWNER OR POSSESSOR PROMPTLY IF THE STATE:

(I) ENTERS A NOLLE PROSEQUI AGAINST THE OWNER OR POSSESSOR OF PROPERTY SEIZED; AND

(II) DOES NOT CHARGE THE PERSON WITHIN 90 DAYS AFTER THE NOLLE PROSEQUI IS ENTERED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 281A and 297(a)(5)(i).

In subsection (a)(3) of this section, the former reference to a designation "from time to time" is deleted as unnecessary.

In subsection (c)(1)(ii) of this section, the reference to "each" subsequent violation is substituted for the former reference to "a second or" subsequent violation for consistency within this article.

In subsection (e)(1) of this section, the reference to "a forfeiting authority" is added for clarity.

As to a felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance, see §§ 5-602 through 5-606 (possession, distribution, manufacture) and § 5-614 (importation) of this subtitle.

In subsection (e)(2) of this section, the phrase "after the date of seizure" is added to clarify when the "90 days" begins.

Defined terms: "Controlled dangerous substance" § 5-101

"County" § 1-101

"Distribute" § 5-101