

(D) SEIZURE AND FORFEITURE OF PROPERTY.

(1) A TWO-WAY RADIO AND RELATED EQUIPMENT USED IN VIOLATION OF THIS SECTION IS SUBJECT TO SEIZURE.

(2) ON CONVICTION OF A VIOLATION OF THIS SECTION, ANY PROPERTY SEIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE FORFEITED TO THE STATE AND NO PROPERTY RIGHT SHALL EXIST IN THE PROPERTY.

(3) ANY PROPERTY THAT IS FORFEITED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE TURNED OVER TO THE SECRETARY OF GENERAL SERVICES, WHO MAY:

(I) ORDER THAT THE PROPERTY BE RETAINED FOR OFFICIAL USE OF STATE UNITS; OR

(II) OTHERWISE DISPOSE OF THE PROPERTY AS THE SECRETARY CONSIDERS APPROPRIATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 125A.

In subsection (a) of this section, the former reference to a "condition" is deleted as surplusage.

Also in subsection (a) of this section, the former phrase "by the person transmitting the communication" is deleted as surplusage.

In subsections (b) and (c) of this section, the references to a "person" are substituted for the former references to an "individual" for consistency within this article.

In subsection (b) of this section, the former reference to acting "with criminal negligence" is deleted as surplusage. Criminal negligence appears to be encompassed in the reference to acting "recklessly".

In subsection (b)(1)(ii) and (2) of this section, the former references to "civilian or governmental" emergency services organizations are deleted as surplusage.

In subsection (d) of this section, the former phrase "as the Secretary may deem appropriate" is deleted as surplusage.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (d)(3)(ii) of this section, the Secretary of General Services apparently has not adopted guidelines for the disposition of proceeds of property that is disposed of.

Defined term: "Person" § 1-101

9-602. STATE PERSONNEL MONITORING OR RECORDING TELEPHONE CONVERSATION.

(A) PROHIBITED.