

(2) BEFORE THE COURT TO WHICH AN APPLICATION IS DIRECTED SHALL PROCEED TO ORDER A FORFEITURE OF THE PROPERTY TO THE STATE OR LOCAL GOVERNMENT, THE COURT SHALL ESTABLISH TO ITS SATISFACTION THAT THERE IS NO PENDING AND UNDETERMINED SUIT OR PROCEEDING THAT HAS BEEN FILED IN A COURT OF COMPETENT JURISDICTION AGAINST THE STATE OR THE LOCAL GOVERNMENT SEEKING A RETURN OR RECOVERY OF THE PROPERTY HELD IN CUSTODY.

(3) ALL APPLICATIONS FOR THE FORFEITURE OF CONTRABAND SHALL BE BY PETITION.

(4) A COPY OF THE PETITION AND SHOW CAUSE ORDER SHALL BE SERVED IN THE FIRST INSTANCE IN ACCORDANCE WITH THE MARYLAND RULES.

(D) (1) ON DISPOSITION OF A CHARGE RESULTING IN ACQUITTAL, DISMISSAL, A STET, A NOLLE PROSEQUI, OR PROBATION UNDER ARTICLE 27, § 641 OF THE CODE, A VENDOR CLAIMING THAT THE SEIZED PROPERTY IS NOT CONTRABAND OF LAW UNDER SUBSECTION (B) OF THIS SECTION AND SHOULD BE RETURNED TO THE VENDOR MAY APPLY, WITHIN 1 YEAR AFTER THE DATE THE JUDGMENT OR ORDER WAS ENTERED OR THE ACTION WAS TAKEN THAT CONSTITUTED THE DISPOSITION AND ON GIVING 10 DAYS' PRIOR WRITTEN NOTICE TO THE STATE TREASURER OR APPROPRIATE LOCAL FISCAL OFFICER, TO THE APPROPRIATE COURT FOR A DETERMINATION THAT THE PROPERTY IS THE PROPERTY OF THE CLAIMANT AND FOR AN ORDER THAT IT BE RETURNED.

(2) IN A PROCEEDING ON THAT APPLICATION, AN ACQUITTAL, DISMISSAL, OR NOLLE PROSEQUI WITH RESPECT TO ANY INDICTMENT INVOLVED IN THE SEIZURE OF THE PROPERTY IS PRIMA FACIE EVIDENCE THAT THE PROPERTY IS NOT CONTRABAND.

(3) A CONVICTION, PLEA OF GUILTY OR OF NOLO CONTENDERE, OR PROBATION UNDER THE PROVISIONS OF ARTICLE 27, § 641 OF THE CODE IS PRIMA FACIE EVIDENCE THAT THE PROPERTY IS CONTRABAND.

(4) NO PRESUMPTION IN THE PROCEEDING SHALL ATTACH TO AN ENTRY OF STET.

(5) IF A PETITION IS NOT TIMELY AND PROPERLY FILED, OR IF IT IS FINALLY DECIDED AGAINST THE CLAIMANT, THE SEIZED PROPERTY SHALL BE FORFEITED TO THE CUSTODIAN WITHOUT FURTHER JUDICIAL ACTION.

(6) TIMELY NOTICE SHALL BE GIVEN BY CERTIFIED MAIL OR OTHER APPROPRIATE MEANS TO ANY KNOWN CLAIMANTS, AT THEIR LAST KNOWN ADDRESS, OF THE REQUIREMENTS OF THIS SECTION FOR MAKING CLAIM FOR THE RETURN OF THE SEIZED PROPERTY OR THE SEIZED PROPERTY MAY NOT BE FORFEITED AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION.