

CHAPTER 497**(House Bill 666)**

AN ACT concerning

Crimes - Controlled Dangerous Substances - Forfeiture

FOR the purpose of clarifying that certain types of property may not be forfeited in connection with a controlled dangerous substance offense if the owner establishes by a preponderance of the evidence that the offense was committed without the owner's actual knowledge; ~~requiring that an application for forfeiture of money or currency be made by complaint and affidavit eliminating the requirement that there be a show cause order for forfeiture of money and currency; requiring a certain notice to the owner of seized property regarding posting a bond under certain circumstances;~~ making certain clarifying changes regarding the parties who are authorized to institute a forfeiture proceeding and the deadlines for filing a complaint seeking forfeiture; changing the deadline for certain action relating to a forfeiture complaint; requiring that an answer to a forfeiture complaint contain a request for a prompt hearing; ~~requiring that a motor vehicle be seized and forfeiture recommended under certain circumstances~~ altering certain factors that may be considered and altering procedures relating to seizure and forfeiture of motor vehicles; requiring a court to appraise a motor vehicle under certain circumstances; altering the method of appraising the value of a seized motor vehicle for certain purposes; allowing a bond to be given by certain means; and generally relating to crimes, controlled dangerous substances, and forfeiture.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 297(c), (d), (h), ~~and (i)~~ (i), and (o)

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

297.

(c) Property or an interest in property described under subsection (b)(4), (9), and (10) of this section may not be forfeited if the owner establishes by a preponderance of the evidence that the violation of this subheading was [done] COMMITTED without the owner's actual knowledge.

(d) (1) Any property subject to forfeiture under this subheading may be seized upon process issued by any court having jurisdiction over the property except that seizure without such process may be made when: