

(i) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(ii) The property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding under this subheading;

(iii) There is probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(iv) There is probable cause to believe that the property has been used or intended to be used in violation of this subheading.

(2) (I) In the event of seizure pursuant to paragraph (1)(iii) and (iv) of this subsection, proceedings under subsection (f) of this section shall be instituted promptly, except THAT all proceedings relating to money or [currency, that] CURRENCY shall be instituted within 90 days from the date of final disposition of criminal proceedings that arise out of §§ 276 through 302 of this article.

[(i)] (II) All applications for the forfeiture of money or currency contraband shall be made by the director of finance of Baltimore City, the county treasurer or appropriate county finance officer, municipal treasurer, or the Attorney General. The applications shall be by [complaint,] COMPLAINT AND affidavit [and show cause order] and shall be filed in the District Court or circuit court of the county.

[(ii)] (III) The [complaint,] COMPLAINT AND affidavit [and show cause order] shall be served in the first instance pursuant to Maryland Rule 2-121 or Maryland Rule 3-121(a), and thereafter, the summons having been returned non est, the director of finance of Baltimore City, county treasurer or appropriate county finance officer, municipal treasurer, or Attorney General may proceed pursuant to Maryland Rule 2-122 or Maryland Rule 3-121(b) or (c).

(3) (i) If proceedings relating to money or currency are not instituted by the State or a political subdivision within the 90-day period, the money or currency seized under this section, upon petition by the defendant, shall be returned to the defendant.

(ii) If the defendant fails to petition for return of the money or currency within 1 year from the date of final disposition of criminal proceedings, the money or currency shall revert to the treasury as provided by subsection (f) of this section.

(h) (1) Except as provided in SUBSECTION (D)(2)(II) OF THIS SECTION AND § 4-401(9) of the Courts and Judicial Proceedings Article, all proceedings under this section shall be instituted in the circuit court by the appropriate forfeiting authority.

(2) (i) Except as provided under [subsection (d)(2)] SUBSECTION (D)(2)(I) of this section and subparagraph (ii) of this paragraph, a complaint seeking forfeiture shall be filed within the earlier of:

1. 90 days following the seizure; or