

HOUSE BILL 554

E2
HB 1129/18 – JUD

9lr2102

By: **Delegate Malone**

Introduced and read first time: February 4, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Forfeiture Proceedings – Notice**

3 FOR the purpose of authorizing a certain notice in a certain forfeiture proceeding to be
4 posted for a certain amount of time on a certain website as an alternative to
5 publishing the notice in a certain newspaper; and generally relating to forfeiture
6 proceedings.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 12–306
10 Annotated Code of Maryland
11 (2018 Replacement Volume)

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

14 **Article – Criminal Procedure**

15 12–306.

16 (a) A notice shall be signed by the clerk and shall:

17 (1) include the caption of the case;

18 (2) describe the substance of the complaint and the relief sought;

19 (3) state the latest date on which a response may be filed;

20 (4) state that the property shall be forfeited if a response is not filed on
21 time;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) state that the owner of the property may have possession of the
2 property pending forfeiture by posting a bond as provided in § 12–208 of this title; and

3 (6) tell where to file a response and whom to contact for more information
4 concerning the forfeiture.

5 (b) Within 20 days after the filing of the complaint, the notice shall be:

6 (1) posted by the sheriff on the door of the courthouse where the action is
7 pending or on a bulletin board within the immediate vicinity of the door;

8 (2) posted by the sheriff in a conspicuous place on the land, if forfeiture of
9 real property is sought; and

10 (3) **UNLESS THE PROPERTY IS A BOAT OR MOTOR VEHICLE:**

11 (I) published at least once a week in each of 3 successive weeks in a
12 newspaper of general circulation published in the county in which the action is pending[,
13 unless the property is a boat or motor vehicle]; **OR**

14 (II) **POSTED FOR A PERIOD OF 30 CONSECUTIVE DAYS ON AN**
15 **OFFICIAL WEBSITE OF THE COUNTY IN WHICH THE ACTION IS PENDING.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.