

an entry of nolle prosequi, (ii) dismissal, or (iii) acquittal, or if the State does not appeal such a criminal case or if the time for appeal has expired, all property of the person, except contraband or any property prohibited by law from being recoverable, may be returned to the person to whom it belongs without the necessity of that person instituting an action for replevin or any other legal proceeding against the agency having custody of the property.

(c) (1) If, at any time, on application to a judge of the circuit court of any county or judge of the District Court, it is found that property rightfully taken under a search warrant is being wrongfully withheld after there is no further need for retention of the property, the judge must cause it to be restored to the person from whom it was taken.

(2) In the discretion of the judge, an oral motion made in open court may be received at any time making application for the return of seized property if the application for return is based on the grounds that the property, although rightfully taken under a search warrant, is being wrongfully withheld after there is no further need for retention of the property. If the judge grants the oral motion, the order of the court shall be in writing and a copy of the order shall be sent to the State's Attorney.

(3) If the judge rejects the proffer of an oral motion and requires the person from whom the property was taken to proceed for return of the seized property by petition and an order to show cause to the authority wrongfully withholding the property and it is subsequently ordered that the property be restored to the person from whom it was taken, court costs shall not be assessed against the petitioner.

(d) (1) In this subsection, "good cause" shall be established by evidence of the following:

(i) The criminal investigation to which the affidavit is related is of an ongoing nature and likely to yield further information which could be of use in prosecuting alleged criminal activities; and

(ii) The failure to maintain the confidentiality of the CRIMINAL investigation would jeopardize the use of information already obtained in the CRIMINAL investigation, would impair the continuation of the CRIMINAL investigation, or would jeopardize the safety of a source of information.

(2) In this subsection, "criminal investigation" means inquiries into alleged criminal activities in violation of Article 27, §§ 286, 286A, 286B, 286C, 287, 287A, 407, 408, 409, 410, [and] 411, 419A, AND 419B of the Code conducted by a law enforcement agency, a grand jury, or a State's Attorney under Article 10, § 39A of the Code.

(3) Notwithstanding any provision of the Maryland Rules, a judge of the District Court or circuit court, on a finding of good cause, may order that an affidavit presented in support of a search and seizure warrant be sealed for a period of not more than 30 days.

(4) Upon the expiration of the order sealing the affidavit, the affidavit shall be: