

AN OWNER'S INTEREST IN REAL PROPERTY MAY NOT BE FORFEITED FOR A VIOLATION OF ARTICLE 27, § 287 OR § 287A OF THE CODE.

(D) PRINCIPAL FAMILY RESIDENCE — IN GENERAL.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE MAY NOT BE FORFEITED UNDER THIS SUBTITLE UNLESS ONE OF THE OWNERS OF THE REAL PROPERTY WAS CONVICTED OF A VIOLATION OF ARTICLE 27, § 286, § 286A, § 286B, § 286C, OR § 290 OF THE CODE.

(2) WITHOUT A CONVICTION, A COURT MAY ORDER A FORFEITURE OF REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE IF THE OWNER OF THE FAMILY RESIDENCE:

(I) FAILS TO APPEAR FOR A REQUIRED COURT APPEARANCE; AND

(II) FAILS TO SURRENDER TO THE JURISDICTION OF THE COURT WITHIN 180 DAYS AFTER THE REQUIRED COURT APPEARANCE.

(E) SAME — USE BY SPOUSES.

REAL PROPERTY USED AS THE PRINCIPAL FAMILY RESIDENCE BY A HUSBAND AND WIFE AND HELD BY THE HUSBAND AND WIFE AS TENANTS BY THE ENTIRETY MAY NOT BE FORFEITED UNLESS:

(1) THE PROPERTY WAS USED IN CONNECTION WITH A VIOLATION OF ARTICLE 27, § 286, § 286A, § 286B, § 286C, OR § 290 OF THE CODE; AND

(2) BOTH THE HUSBAND AND WIFE ARE CONVICTED OF A VIOLATION OF ARTICLE 27, § 286, § 286A, § 286B, § 286C, OR § 290 OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 297(c), (b)(4)(i) and (ii), (m)(1)(ii) and (2), (n)(2) and (l)(1), as it related to violations of Article 27, and (2).

In subsection (b) of this section, the reference to "this title" is substituted for the former overly broad reference to "this subheading" for clarity.

In subsection (d) of this section, the former phrase "it is shown" is deleted for brevity and clarity.

In subsection (e) of this section, the former introductory language "[e]xcept as provided in subsections (l)(2) and (n)(2) of this section" is deleted as erroneous. If given full weight, the former language would void the effect of this subsection because the conditions of former subsections (l)(2) and (n)(2) – now subsection (d) of this section – would encompass the situation contemplated by this subsection.

Defined terms: "Controlled Dangerous Substances law" § 12-101  
"Owner" § 12-101