

"seized" is substituted for the former reference to property that is "taken or detained" to conform to the terminology used in subsection (b) of this section.

In subsection (b) of this section, the former reference to property seized "under the provisions of this subheading" is deleted as unnecessary.

Also in subsection (b) of this section, the defined term "seizing authority" is substituted for the former reference to a seizing "agency" to conform to the terminology used throughout this title.

Defined terms: "Property" § 12-101

"Seizing authority" § 12-101

#### 12-204. SEIZURE OF MOTOR VEHICLES — IN GENERAL.

##### (A) SEIZING AUTHORITY TO APPLY STANDARDS.

IN EXERCISING THE AUTHORITY TO SEIZE MOTOR VEHICLES UNDER THIS TITLE, A SEIZING AUTHORITY SHALL APPLY THE STANDARDS LISTED IN SUBSECTION (B) OF THIS SECTION.

##### (B) APPLICABLE STANDARDS.

A MOTOR VEHICLE USED IN VIOLATION OF THE CONTROLLED DANGEROUS SUBSTANCES LAW OR THIS TITLE SHALL BE SEIZED AND FORFEITURE SHALL BE RECOMMENDED TO THE FORFEITING AUTHORITY IF:

(1) ANY QUANTITY OF A CONTROLLED DANGEROUS SUBSTANCE IS SOLD OR ATTEMPTED TO BE SOLD IN VIOLATION OF THE CONTROLLED DANGEROUS SUBSTANCES LAW OR THIS TITLE;

(2) AN AMOUNT OF THE CONTROLLED DANGEROUS SUBSTANCE OR PARAPHERNALIA IS FOUND THAT REASONABLY SHOWS THAT THE VIOLATOR INTENDED TO SELL THE CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF THE CONTROLLED DANGEROUS SUBSTANCES LAW; OR

(3) THE TOTAL CIRCUMSTANCES OF THE CASE AS LISTED IN SUBSECTION (C) OF THIS SECTION DICTATE THAT SEIZURE AND FORFEITURE ARE JUSTIFIED.

##### (C) CIRCUMSTANCES OF CASE.

CIRCUMSTANCES TO BE CONSIDERED IN DECIDING WHETHER SEIZURE AND FORFEITURE ARE JUSTIFIED INCLUDE:

(1) THE POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES;

(2) AN EXTENSIVE CRIMINAL RECORD OF THE VIOLATOR;

(3) A PREVIOUS CONVICTION OF THE VIOLATOR FOR A CONTROLLED DANGEROUS SUBSTANCES CRIME;