

3. THE NAME OF THE APPLICANT ON WHOSE APPLICATION THE SEARCH WARRANT WAS ISSUED.

(4) (I) THE SEARCH AND SEIZURE UNDER THE AUTHORITY OF A SEARCH WARRANT SHALL BE MADE WITHIN 15 CALENDAR DAYS AFTER THE DAY THAT THE SEARCH WARRANT IS ISSUED.

(II) AFTER THE EXPIRATION OF THE 15-DAY PERIOD, THE SEARCH WARRANT IS VOID.

(B) RETURN OF PROPERTY WRONGFULLY TAKEN.

(1) A CIRCUIT COURT JUDGE OR DISTRICT COURT JUDGE SHALL CAUSE PROPERTY TAKEN UNDER A SEARCH WARRANT TO BE RESTORED TO THE PERSON FROM WHOM IT WAS TAKEN IF, AT ANY TIME, ON APPLICATION TO THE JUDGE, IT APPEARS THAT:

(I) THE PROPERTY TAKEN IS NOT THE SAME AS THAT DESCRIBED IN THE SEARCH WARRANT;

(II) THERE IS NO PROBABLE CAUSE FOR BELIEVING THE EXISTENCE OF THE GROUNDS ON WHICH THE SEARCH WARRANT WAS ISSUED; OR

(III) THE PROPERTY WAS TAKEN UNDER A SEARCH WARRANT ISSUED MORE THAN 15 CALENDAR DAYS BEFORE THE SEIZURE.

(2) THE JUDGE MAY RECEIVE AN ORAL MOTION MADE IN OPEN COURT AT ANY TIME MAKING APPLICATION FOR THE RETURN OF SEIZED PROPERTY IF THE APPLICATION FOR RETURN IS BASED ON ANY GROUND DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) IF THE JUDGE GRANTS THE ORAL MOTION DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ORDER OF THE COURT SHALL BE IN WRITING AND A COPY OF THE ORDER SHALL BE SENT TO THE STATE'S ATTORNEY.

(4) COURT COSTS MAY NOT BE ASSESSED AGAINST THE PERSON FROM WHOM THE PROPERTY WAS TAKEN IF:

(I) THE JUDGE DENIES THE 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 POLICE AUTHORITY SEIZING THE PROPERTY; AND

(II) IT IS LATER ORDERED THAT THE PROPERTY BE RESTORED TO THE PERSON FROM WHOM IT WAS TAKEN.

(5) IF THE JUDGE FINDS THAT THE PROPERTY TAKEN IS THE SAME AS THAT DESCRIBED IN THE SEARCH WARRANT AND THAT THERE IS PROBABLE CAUSE FOR BELIEVING THE EXISTENCE OF THE GROUNDS ON WHICH THE SEARCH WARRANT WAS ISSUED, THE JUDGE SHALL ORDER THE PROPERTY TO BE RETAINED IN THE CUSTODY OF THE POLICE AUTHORITY SEIZING IT OR TO BE OTHERWISE DISPOSED OF ACCORDING TO LAW.