§ 165.74 Seizure and distribution or destruction of goods bearing counterfeit trademarks.

Any goods manufactured, sold, offered for sale, distributed or produced in violation of this article may be seized by any police officer. The magistrate must, within forty-eight hours after arraignment of the defendant, determine whether probable cause exists to believe that the goods had been manufactured, sold, offered for sale, distributed or produced in violation of this article, and upon a finding that probable cause exists to believe that the goods had been manufactured, sold, offered for sale, distributed, or produced in violation of this article, the court shall authorize such articles to be retained as evidence pending the trial of the defendant. Upon conviction of the defendant, the articles in respect whereof the defendant stands convicted shall be destroyed or donated. Destruction shall not include auction, sale or distribution of the items in their original form. Donation of the items shall be made at the court's discretion upon the request of any law enforcement agency and pursuant to the restrictions and procedures of section three hundred sixty-m of the general business law, for the benefit of indigent individuals.