

HOUSE BILL 1030

E2

8lr3340
CF SB 579

By: **Delegate Dumais**

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Incompetency and Criminal Responsibility – Dismissal of**
3 **Charges**

4 FOR the purpose of authorizing the State to petition to delay the dismissal of criminal
5 charges against a defendant found incompetent to stand trial in order to protect a
6 victim or potential victim who is a minor; and generally relating to the dismissal of
7 criminal charges against a defendant found incompetent to stand trial.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 3–107
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2017 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 3–107.

17 (a) Whether or not the defendant is confined and unless the State petitions the
18 court **TO EXTEND THE TIME** for extraordinary cause [to extend the time] **OR TO PROTECT**
19 **A VICTIM OR POTENTIAL VICTIM WHO IS A MINOR**, the court shall dismiss the charge
20 against a defendant found incompetent to stand trial under this subtitle:

21 (1) when charged with a felony or a crime of violence as defined under §
22 14–101 of the Criminal Law Article, after the lesser of the expiration of 5 years or the
23 maximum sentence for the most serious offense charged; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) when charged with an offense not covered under item (1) of this
2 subsection, after the lesser of the expiration of 3 years or the maximum sentence for the
3 most serious offense charged.

4 (b) Whether or not the defendant is confined, if the court considers that resuming
5 the criminal proceeding would be unjust because so much time has passed since the
6 defendant was found incompetent to stand trial, the court shall dismiss the charge without
7 prejudice. However, the court may not dismiss a charge without providing the State's
8 Attorney and a victim or victim's representative who has requested notification under §
9 3-123(c) of this title advance notice and an opportunity to be heard.

10 (c) If charges are dismissed under this section, the court shall notify:

11 (1) the victim of the crime charged or the victim's representative who has
12 requested notification under § 3-123(c) of this article; and

13 (2) the Criminal Justice Information System Central Repository.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018.