

HOUSE BILL 743

E2

9lr1490
CF SB 242

By: **Delegate Dumais**

Introduced and read first time: February 8, 2019

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 altering a certain time period after which a court is required to dismiss
5 a certain charge against a defendant found incompetent to stand trial under certain
6 circumstances; making conforming changes; and generally relating to incompetency
7 and criminal responsibility.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 3–107
11 Annotated Code of Maryland
12 (2018 Replacement Volume)

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 for extraordinary cause to extend the time, the court shall dismiss the charge against
19 a defendant found incompetent to stand trial under this subtitle:

20 (1) **WHEN CHARGED WITH MURDER IN THE FIRST DEGREE IN**
21 **VIOLATION OF § 2–201 OF THE CRIMINAL LAW ARTICLE, AFTER THE EXPIRATION OF**
22 **10 YEARS;**

23 (2) when charged with a felony or a crime of violence as defined under §

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14–101 of the Criminal Law Article **NOT COVERED UNDER ITEM (1) OF THIS**
2 **SUBSECTION**, after the lesser of the expiration of 5 years or the maximum sentence for the
3 most serious offense charged; or

4 ~~[(2)]~~ **(3)** when charged with an offense not covered under item (1) **OR (2)**
5 of this subsection, after the lesser of the expiration of 3 years or the maximum sentence for
6 the most serious offense charged.

7 (b) Whether or not the defendant is confined, if the court considers that resuming
8 the criminal proceeding would be unjust because so much time has passed since the
9 defendant was found incompetent to stand trial, the court shall dismiss the charge without
10 prejudice. However, the court may not dismiss a charge without providing the State's
11 Attorney and a victim or victim's representative who has requested notification under §
12 3–123(c) of this title advance notice and an opportunity to be heard.

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

14 (1) the victim of the crime charged or the victim's representative who has
15 requested notification under § 3–123(c) of this title; and

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.