

HOUSE BILL 743

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9lr1490
CF SB 242

By: ~~Delegate Dumais~~ Delegates Dumais, Grammer, and Arikan

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

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 clarifying that a certain required dismissal of a certain charge against a defendant
6 found incompetent to stand trial under certain circumstances; making conforming
7 changes is without prejudice; and generally relating to incompetency and criminal
8 responsibility.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 3–107
12 Annotated Code of Maryland
13 (2018 Replacement Volume)

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

16 **Article – Criminal Procedure**

17 3–107.

18 (a) Whether or not the defendant is confined and unless the State petitions the
19 court for extraordinary cause to extend the time, the court shall dismiss **WITHOUT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 PREJUDICE the charge against a defendant found incompetent to stand trial under this
2 subtitle:

3 (1) ~~WHEN CHARGED WITH MURDER IN THE FIRST DEGREE IN~~
4 ~~VIOLATION OF § 2-201 OF THE CRIMINAL LAW ARTICLE, AFTER THE EXPIRATION OF~~
5 ~~10 YEARS;~~

6 ~~(2)~~ when charged with a felony or a crime of violence as defined under §
7 14-101 of the Criminal Law Article ~~NOT COVERED UNDER ITEM (1) OF THIS~~
8 ~~SUBSECTION~~, after the lesser of the expiration of 5 years or the maximum sentence for the
9 most serious offense charged; or

10 ~~[(2)] (3)~~ when charged with an offense not covered under item (1) ~~OR (2)~~
11 of this subsection, after the lesser of the expiration of 3 years or the maximum sentence for
12 the most serious offense charged.

13 (b) Whether or not the defendant is confined, if the court considers that resuming
14 the criminal proceeding would be unjust because so much time has passed since the
15 defendant was found incompetent to stand trial, the court shall dismiss the charge without
16 prejudice. However, the court may not dismiss a charge without providing the State's
17 Attorney and a victim or victim's representative who has requested notification under §
18 3-123(c) of this title advance notice and an opportunity to be heard.

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.