

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by ~~Senator Frosh~~ Senators Frosh, Giannetti, Green, and Jacobs

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Criminal Defendants - Incompetency and Criminal**
3 **Responsibility**

4 FOR the purpose of requiring a court, under certain circumstances, to determine, on
5 evidence presented on the record, whether a defendant is incompetent to stand
6 trial for a violation of probation proceeding; authorizing a court to reconsider the
7 question of whether a defendant is incompetent to stand trial at any time before
8 final judgment; prohibiting the admissibility of a statement made by a
9 defendant in the course of a certain evaluation or a report prepared as the result
10 of a certain evaluation from being used to prove the commission of a criminal
11 offense or to enhance the sentence of the defendant; authorizing a court to take
12 certain actions after the court makes a certain determination at a competency
13 hearing; authorizing the court to order commitment of a certain person in a
14 Health Department facility under certain circumstances; requiring a court to
15 hold a hearing to determine whether a certain person continues to meet certain
16 criteria for commitment to a Health Department facility under certain
17 circumstances; authorizing a court to hold a certain conference or hearing to

1 review the status of the case of a certain person; requiring a court to order
 2 commitment of a certain person to a certain medical facility under certain
 3 circumstances; requiring a court to reconsider, under certain circumstances, a
 4 certain determination for a certain person released on bail or on recognizance;
 5 requiring a court to dismiss, under certain circumstances, a certain charge after
 6 passage of certain time periods; requiring a certain notification to a certain
 7 person who has filed a certain request for notification; requiring the Health
 8 Department to submit a certain report containing certain information to the
 9 court; requiring the Health Department to submit certain reports containing
 10 certain information within certain time periods to certain persons; requiring a
 11 certain clerk of court to give a certain report to certain persons; requiring that a
 12 certain victim or victim's representative be notified regarding a certain
 13 individual who is committed to the custody of a Health Department facility under
 14 certain circumstances if certain events occur after certain criminal charges are
 15 dismissed; and generally relating to criminal defendants and incompetency and
 16 criminal responsibility.

17 BY repealing and reenacting, with amendments,
 18 Article - Criminal Procedure
 19 Section 3-104 through 3-108, inclusive
 20 Annotated Code of Maryland
 21 (2001 Volume and 2005 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article - Criminal Procedure
 24 Section 3-123(a), (b), and (c)
 25 Annotated Code of Maryland
 26 (2001 Volume and 2005 Supplement)

27 BY adding to
 28 Article - Criminal Procedure
 29 Section 3-123(l)
 30 Annotated Code of Maryland
 31 (2001 Volume and 2005 Supplement)

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

34 **Article - Criminal Procedure**

35 3-104.

36 (a) If, before or during a trial, the defendant in a criminal case OR A
 37 VIOLATION OF PROBATION PROCEEDING appears to the court to be incompetent to
 38 stand trial or the defendant alleges incompetence to stand trial, the court shall
 39 determine, on evidence presented on the record, whether the defendant is
 40 incompetent to stand trial.

1 (b) If, after receiving evidence, the court finds that the defendant is competent
2 to stand trial, the trial shall begin as soon as practicable or, if already begun, shall
3 continue.

4 (c) At any time [during the trial and] before [verdict] FINAL JUDGMENT, the
5 court may reconsider the question of whether the defendant is incompetent to stand
6 trial.

7 3-105.

8 (a) (1) For good cause and after giving the defendant an opportunity to be
9 heard, the court may order the Health Department to examine the defendant to
10 determine whether the defendant is incompetent to stand trial.

11 (2) The court shall set and may change the conditions under which the
12 examination is to be made.

13 (b) Except in a capital case, on consideration of the nature of the charge, the
14 court:

15 (1) may require or allow the examination to be done on an outpatient
16 basis; and

17 (2) if an outpatient examination is authorized, shall set bail for the
18 defendant or authorize release of the defendant on recognizance.

19 (c) (1) If a defendant is to be held in custody for examination under this
20 section, the defendant may be confined in a correctional facility until the Health
21 Department can conduct the examination. If the court finds it appropriate for the
22 health or safety of the defendant, the court may order confinement in a medical wing
23 or other isolated and secure unit of the correctional facility.

24 (2) (i) If the court finds that, because of the apparent severity of the
25 mental disorder or mental retardation, a defendant in custody would be endangered
26 by confinement in a correctional facility, the court may order that the Health
27 Department, in the Health Department's discretion:

28 1. confine the defendant, pending examination, in a medical
29 facility that the Health Department designates as appropriate; or

30 2. immediately conduct a competency examination of the
31 defendant by a community forensic screening program or other agency that the
32 Health Department finds appropriate.

33 (ii) Unless the Health Department retains the defendant, the
34 defendant shall be promptly returned to the court after the examination.

35 (3) A defendant who is held for examination under this section may
36 question at any time the legality of the detention by petition for a writ of habeas
37 corpus.

1 (d) (1) If a court orders an examination under this section, the Health
2 Department shall:

- 3 (i) examine the defendant; and
4 (ii) send a complete report of its findings to:
5 1. the court;
6 2. the State's Attorney; and
7 3. the defense counsel.

8 (2) Unless there is a plea that the defendant was not criminally
9 responsible under § 3-109 of this title, the defendant is entitled to have the report
10 within 7 days after the court orders the examination. However, failure of the Health
11 Department to send the complete report within that time is not, of itself, grounds for
12 dismissal of the charges. On good cause shown, the court may extend the time for
13 examination.

14 (3) If the Health Department reports that, in its opinion, the defendant
15 is incompetent to stand trial, the report shall state, in a complete supplementary
16 opinion, whether, because of mental retardation or mental disorder, the defendant
17 would be a danger to self or the person or property of another, if released.

18 (4) A STATEMENT MADE BY THE DEFENDANT IN THE COURSE OF AN
19 EXAMINATION UNDER THIS SECTION IS NOT ADMISSIBLE IN A CRIMINAL
20 PROCEEDING FOR THE PURPOSE OF PROVING THE COMMISSION OF A CRIMINAL
21 OFFENSE OR TO ENHANCE THE SENTENCE OF THE DEFENDANT.

22 (5) EXCEPT FOR THE PURPOSE OF IMPEACHING THE TESTIMONY OF THE
23 DEFENDANT, A REPORT PREPARED AS THE RESULT OF AN EXAMINATION UNDER
24 THIS SECTION IS NOT ADMISSIBLE IN A CRIMINAL PROCEEDING FOR THE PURPOSE
25 OF PROVING THE COMMISSION OF A CRIMINAL OFFENSE OR TO ENHANCE THE
26 SENTENCE OF THE DEFENDANT.

27 3-106.

28 (a) Except in a capital case, if, after a hearing, the court finds that the
29 defendant is incompetent to stand trial but is not dangerous, as a result of a mental
30 disorder or mental retardation, to self or the person or property of others, the court
31 may set bail for the defendant or authorize release of the defendant on recognizance.

32 (b) (1) If, after a hearing, the court finds that the defendant is incompetent
33 to stand trial and, because of mental retardation or a mental disorder, is a danger to
34 self or the person or property of another, the court may order the defendant
35 committed to the facility that the Health Department designates until the court [is
36 satisfied that] FINDS THAT:

1 (I) the defendant no longer is incompetent to stand [trial or]
2 TRIAL;

3 (II) THE DEFENDANT no longer is, because of mental retardation or
4 a mental disorder, a danger to self or the person or property of others; OR

5 (III) THERE IS NOT A SUBSTANTIAL LIKELIHOOD THAT THE
6 DEFENDANT WILL BECOME COMPETENT TO STAND TRIAL IN THE FORESEEABLE
7 FUTURE.

8 (2) If a court commits the defendant because of mental retardation, the
9 Health Department shall require the Developmental Disabilities Administration to
10 provide the care or treatment that the defendant needs.

11 (c) (1) [On suggestion of the defendant or on its initiative and subject to the
12 limitations on frequency in § 7-507 or § 10-805 of the Health - General Article, as the
13 case may be, the court may reconsider whether the defendant is incompetent to stand
14 trial.] TO DETERMINE WHETHER THE DEFENDANT CONTINUES TO MEET THE
15 CRITERIA FOR COMMITMENT SET FORTH IN SUBSECTION (B) OF THIS SECTION, THE
16 COURT SHALL HOLD A HEARING:

17 (I) EVERY YEAR FROM THE DATE OF COMMITMENT;

18 (II) WITHIN 30 DAYS AFTER THE FILING OF A MOTION BY THE
19 STATE'S ATTORNEY OR COUNSEL FOR THE DEFENDANT SETTING FORTH NEW FACTS
20 OR CIRCUMSTANCES RELEVANT TO THE DETERMINATION-; AND

21 (III) WITHIN 30 DAYS AFTER RECEIVING A REPORT FROM THE
22 HEALTH DEPARTMENT STATING OPINIONS, FACTS, OR CIRCUMSTANCES THAT HAVE
23 NOT BEEN PREVIOUSLY PRESENTED TO THE COURT AND ARE RELEVANT TO THE
24 DETERMINATION.

25 (2) [If the court orders commitment under subsection (b) of this section,
26 the defendant may apply for release under § 7-507 or § 10-805 of the Health -
27 General Article. In computing the availability of review under those sections, as the
28 case may be, the date of the commitment order shall be treated as a hearing.] AT ANY
29 TIME, AND ON ITS OWN INITIATIVE, THE COURT MAY HOLD A CONFERENCE OR A
30 HEARING ON THE RECORD WITH THE STATE'S ATTORNEY AND THE COUNSEL OF
31 RECORD FOR THE DEFENDANT TO REVIEW THE STATUS OF THE CASE.

32 (D) AT A COMPETENCY HEARING UNDER SUBSECTION (C) OF THIS SECTION, IF
33 THE COURT FINDS THAT THE DEFENDANT IS INCOMPETENT AND IS NOT LIKELY TO
34 BECOME COMPETENT IN THE FORESEEABLE FUTURE, THE COURT SHALL:

35 (1) CIVILLY COMMIT THE DEFENDANT AS AN INPATIENT IN A MEDICAL
36 FACILITY THAT THE HEALTH DEPARTMENT DESIGNATES PROVIDED THE COURT
37 FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

38 (I) THE DEFENDANT HAS A MENTAL DISORDER;

1 (II) INPATIENT CARE IS NECESSARY FOR THE DEFENDANT;

2 (III) THE DEFENDANT PRESENTS A DANGER TO THE LIFE OR
3 SAFETY OF SELF OR OTHERS;

4 (IV) THE DEFENDANT IS UNABLE OR UNWILLING TO BE
5 VOLUNTARILY COMMITTED TO A MEDICAL FACILITY; AND

6 (V) THERE IS NO LESS RESTRICTIVE FORM OF INTERVENTION
7 THAT IS CONSISTENT WITH THE WELFARE AND SAFETY OF THE DEFENDANT; OR

8 (2) ORDER THE CONFINEMENT OF THE DEFENDANT FOR 21 DAYS AS A
9 RESIDENT IN A DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITY FOR THE
10 INITIATION OF ADMISSION PROCEEDINGS UNDER § 7-503 OF THE HEALTH - GENERAL
11 ARTICLE PROVIDED THE COURT FINDS THAT THE DEFENDANT, BECAUSE OF MENTAL
12 RETARDATION, IS A DANGER TO SELF OR OTHERS.

13 (E) THE PROVISIONS UNDER TITLE 10 OF THE HEALTH - GENERAL ARTICLE
14 SHALL APPLY TO THE CONTINUED RETENTION OF A DEFENDANT CIVILLY
15 COMMITTED UNDER SUBSECTION (D) OF THIS SECTION.

16 (F) (1) FOR A DEFENDANT WHO HAS BEEN FOUND INCOMPETENT TO STAND
17 TRIAL BUT NOT DANGEROUS, AS A RESULT OF A MENTAL DISORDER OR MENTAL
18 RETARDATION, TO SELF OR THE PERSON OR PROPERTY OF OTHERS, AND RELEASED
19 ON BAIL OR ON RECOGNIZANCE, THE COURT:

20 (I) SHALL HOLD A HEARING ANNUALLY FROM THE DATE OF
21 RELEASE;

22 (II) MAY HOLD A HEARING, AT ANY TIME, ON ITS OWN INITIATIVE;
23 OR

24 (III) SHALL HOLD A HEARING, AT ANY TIME, UPON MOTION OF THE
25 STATE'S ATTORNEY OR THE COUNSEL FOR THE DEFENDANT.

26 (2) AT A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
27 COURT SHALL RECONSIDER WHETHER THE DEFENDANT REMAINS INCOMPETENT TO
28 STAND TRIAL OR A DANGER TO SELF OR THE PERSON OR PROPERTY OF ANOTHER
29 BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER.

30 (3) AT A HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
31 COURT MAY MODIFY OR IMPOSE ADDITIONAL CONDITIONS OF RELEASE ON THE
32 DEFENDANT.

33 (4) IF THE COURT FINDS, AT A HEARING UNDER PARAGRAPH (1) OF THIS
34 SUBSECTION, THAT THE DEFENDANT IS INCOMPETENT AND IS NOT LIKELY TO
35 BECOME COMPETENT IN THE FORESEEABLE FUTURE AND IS A DANGER TO SELF OR
36 THE PERSON OR PROPERTY OF ANOTHER BECAUSE OF MENTAL RETARDATION OR A
37 MENTAL DISORDER, THE COURT SHALL REVOKE THE PRETRIAL RELEASE OF THE
38 DEFENDANT AND:

1 (I) CIVILLY COMMIT THE DEFENDANT IN ACCORDANCE WITH
2 PARAGRAPH (1) OF SUBSECTION (D) OF THIS SECTION; OR

3 (II) ORDER CONFINEMENT OF THE DEFENDANT IN ACCORDANCE
4 WITH SUBSECTION (D)(2) OF THIS SECTION.

5 [(d)] (G) If the defendant is found incompetent to stand trial, defense counsel
6 may make any legal objection to the prosecution that may be determined fairly before
7 trial and without the personal participation of the defendant.

8 [(e)] (H) The court shall notify the Criminal Justice Information System
9 Central Repository of any commitment ordered or release authorized under this
10 section and of any determination that a defendant is no longer incompetent to stand
11 trial.

12 3-107.

13 (a) WHETHER OR NOT THE DEFENDANT IS CONFINED AND UNLESS THE
14 STATE PETITIONS THE COURT FOR EXTRAORDINARY CAUSE TO EXTEND THE TIME,
15 THE COURT SHALL DISMISS THE CHARGE AGAINST A DEFENDANT FOUND
16 INCOMPETENT TO STAND TRIAL UNDER THIS SUBTITLE:

17 (1) WHEN CHARGED WITH A CAPITAL OFFENSE, AFTER THE EXPIRATION
18 OF 10 YEARS;

19 (2) WHEN CHARGED WITH A FELONY OR A CRIME OF VIOLENCE AS
20 DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, AFTER THE LESSER OF
21 THE EXPIRATION OF 5 YEARS OR THE MAXIMUM SENTENCE FOR THE MOST SERIOUS
22 OFFENSE CHARGED; OR

23 (3) WHEN CHARGED WITH AN OFFENSE NOT COVERED UNDER
24 PARAGRAPH (1) OR (2) OF THIS SUBSECTION, AFTER THE LESSER OF THE EXPIRATION
25 OF 3 YEARS OR THE MAXIMUM SENTENCE FOR THE MOST SERIOUS OFFENSE
26 CHARGED.

27 (B) Whether or not the defendant is confined, if the court considers that
28 resuming the criminal proceeding would be unjust because so much time has passed
29 since the defendant was found incompetent to stand trial, the court [may] SHALL
30 dismiss the charge ~~WITH~~ WITHOUT PREJUDICE. However, the court may not dismiss a
31 [charge:

32 (1) CHARGE without providing the State's Attorney and a victim or
33 victim's representative who has [filed a notification request form] REQUESTED
34 NOTIFICATION under [§ 11-104] § 3-123(C) of this [article] TITLE advance notice and
35 an opportunity to be heard[; and

36 (2) (i) until 10 years after the defendant was found incompetent to
37 stand trial in any capital case; or

1 (ii) until 5 years after the defendant was found incompetent to
2 stand trial in any other case where the penalty may be imprisonment in a State
3 correctional facility].

4 [(b)] (C) If charges are dismissed under this section, the court shall notify:

5 (1) the victim of the crime charged or the victim's representative who has
6 [filed a notification request form] REQUESTED NOTIFICATION under [§ 11-104] §
7 3-123(C) of this article; and

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

9 3-108.

10 (a) (1) In addition to any other report required under this title, the Health
11 Department shall report [annually to each] TO THE court that has ordered
12 commitment of a [person] DEFENDANT under § 3-106 of this title:

13 (I) EVERY 6 MONTHS FROM THE DATE OF COMMITMENT OF THE
14 DEFENDANT; AND

15 (II) WHENEVER THE HEALTH DEPARTMENT DETERMINES THAT:

16 1. THE DEFENDANT NO LONGER IS INCOMPETENT TO STAND
17 TRIAL;

18 2. THE DEFENDANT NO LONGER IS, BECAUSE OF MENTAL
19 RETARDATION OR A MENTAL DISORDER, A DANGER TO SELF OR THE PERSON OR
20 PROPERTY OF OTHERS; OR

21 3. THERE IS NOT A SUBSTANTIAL LIKELIHOOD THAT THE
22 DEFENDANT WILL BECOME COMPETENT TO STAND TRIAL IN THE FORESEEABLE
23 FUTURE.

24 (2) [The report shall contain:

25 (i) a list of the persons held under commitment orders; and

26 (ii) any recommendations that the Health Department considers
27 appropriate.] THE DEPARTMENT SHALL INCLUDE A SUPPLEMENTAL REPORT THAT
28 PROVIDES A PLAN FOR SERVICES TO FACILITATE THE DEFENDANT REMAINING
29 COMPETENT TO STAND TRIAL OR NOT DANGEROUS, AS A RESULT OF MENTAL
30 RETARDATION OR A MENTAL DISORDER, TO SELF OR THE PERSON OR PROPERTY OF
31 OTHERS, IF:

32 (I) A REPORT REQUIRED UNDER THIS TITLE STATES AN OPINION
33 THAT THE DEFENDANT IS COMPETENT TO STAND TRIAL OR IS NOT DANGEROUS, AS A
34 RESULT OF MENTAL RETARDATION OR A MENTAL DISORDER, TO SELF OR THE
35 PERSON OR PROPERTY OF OTHERS; AND

1 (II) ~~A PLAN IS~~ SERVICES ARE NECESSARY TO MAINTAIN THE
2 DEFENDANT SAFELY IN THE COMMUNITY, TO MAINTAIN COMPETENCY, OR TO
3 RESTORE COMPETENCY.

4 (3) IF APPROPRIATE, THE PLAN REQUIRED IN THE REPORT UNDER
5 PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE RECOMMENDED:

6 (I) MENTAL HEALTH TREATMENT, INCLUDING PROVIDERS OF
7 CARE;

8 (II) VOCATIONAL, REHABILITATIVE, OR SUPPORT SERVICES;

9 (III) HOUSING;

10 (IV) CASE MANAGEMENT SERVICES;

11 (V) ALCOHOL OR SUBSTANCE ABUSE TREATMENT; AND

12 (VI) OTHER CLINICAL SERVICES.

13 (4) IF THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS
14 SUBSECTION RECOMMENDS COMMUNITY PLACEMENT FOR THE DEFENDANT, THE
15 REPORT SHALL INCLUDE:

16 (I) THE LOCATION OF THE RECOMMENDED COMMUNITY
17 PLACEMENT;

18 (II) THE NAMES AND ADDRESSES OF THE RECOMMENDED SERVICE
19 PROVIDERS;

20 (III) A STATEMENT INDICATING IF THE SERVICE PROVIDER IS
21 WILLING AND ABLE TO SERVE THE DEFENDANT; AND

22 (IV) IF AVAILABLE, THE DATE OF PLACEMENT OR SERVICE FOR THE
23 DEFENDANT.

24 (5) IF THE PLAN REQUIRED IN THE REPORT UNDER PARAGRAPH (2) OF
25 THIS SUBSECTION IS FOR A DEFENDANT COMMITTED TO A STATE RESIDENTIAL
26 ~~FACILITY~~ CENTER, THE REPORT SHALL STATE WHETHER:

27 (I) THE DEFENDANT MEETS THE REQUIREMENTS FOR
28 COMMITMENT UNDER § 3-106(D) OF THIS TITLE;

29 (II) THE SERVICES REQUIRED FOR THE DEFENDANT MAY BE
30 PROVIDED IN A LESS RESTRICTIVE SETTING; AND

31 (III) THE DEFENDANT IS ELIGIBLE FOR SERVICES PURSUANT TO §
32 7-404 OF THE HEALTH - GENERAL ARTICLE.

33 (6) IF THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS
34 SUBSECTION STATES AN OPINION THAT THERE IS NOT A SUBSTANTIAL LIKELIHOOD

1 THAT THE DEFENDANT WILL BECOME COMPETENT IN THE FORESEEABLE FUTURE,
2 THE REPORT SHALL CONTAIN AN OPINION REGARDING WHETHER THE DEFENDANT
3 MEETS THE CRITERIA FOR COMMITMENT UNDER § 3-106(D) OF THIS TITLE.

4 (7) A STATEMENT MADE BY THE DEFENDANT IN THE COURSE OF ANY
5 EXAMINATION FOR A REPORT UNDER THIS SECTION IS NOT ADMISSIBLE AS
6 EVIDENCE IN ANY CRIMINAL PROCEEDING FOR THE PURPOSE OF PROVING THE
7 COMMISSION OF A CRIMINAL OFFENSE OR TO ENHANCE THE SENTENCE OF THE
8 DEFENDANT.

9 (8) A REPORT PREPARED UNDER THIS SECTION IS NOT ADMISSIBLE IN A
10 CRIMINAL PROCEEDING FOR THE PURPOSE OF PROVING THE COMMISSION OF A
11 CRIMINAL OFFENSE OR TO ENHANCE THE SENTENCE OF THE DEFENDANT.

12 (b) [(1)] The clerk of court shall give THE STATE'S ATTORNEY AND the last
13 counsel [for each person, as shown by the court records, notice that the client is listed
14 in the report and a copy of any recommendation that relates to the client] OF RECORD
15 FOR THE DEFENDANT A COPY OF ANY REPORT RECEIVED UNDER THIS SECTION.

16 [(2)] The Health Department shall send a copy of the report to each State's
17 Attorney who brought charges against a person in the report.]

18 (c) [(1)] Within 30 days after a State's Attorney receives the report, the
19 State's Attorney shall send a recommendation on disposition of charges against each
20 person who has been held long enough to be eligible for release under § 3-107 of this
21 title.

22 (2) The State's Attorney shall send the recommendation about a person
23 to:

24 (i) the court that ordered commitment of the person; and

25 (ii) the last counsel for the person.

26 (d)] The facility of the Health Department that has charge of a person
27 committed as incompetent to stand trial shall notify the Criminal Justice Information
28 System Central Repository if the person escapes.

29 3-123.

30 (a) (1) In this section the following terms have the meanings indicated.

31 (2) "Defendant" means:

32 (i) a committed individual;

33 (ii) an individual found incompetent to stand trial; or

34 (iii) an individual charged with a crime and the issue of whether the
35 individual is incompetent to stand trial has been raised or where a plea of not
36 criminally responsible has been entered.

1 (3) "Victim" means a victim of a crime of violence or a victim who has
2 filed a notification request form under § 11-104 of this article.

3 (4) "Victim's representative" includes a family member or guardian of a
4 victim who is:

5 (i) a minor;

6 (ii) deceased; or

7 (iii) disabled.

8 (b) A State's Attorney shall notify a victim or victim's representative of all
9 rights provided under this section.

10 (c) (1) A victim or victim's representative may request notification under this
11 section by:

12 (i) notifying the State's Attorney and the Health Department of the
13 request for notification; or

14 (ii) filing a notification request form under § 11-104 of this article.

15 (2) A request for notification under paragraph (1)(i) of this subsection
16 shall designate:

17 (i) the address and telephone number of the victim; or

18 (ii) the name, address, and telephone number of a victim's
19 representative.

20 (3) A victim or victim's representative may, at any time, withdraw a
21 request for notification.

22 (L) (1) THIS SUBSECTION APPLIES ONLY TO A DEFENDANT AS DEFINED IN
23 SUBSECTION (A)(2)(II) OR (III) OF THIS SECTION AFTER THE CRIMINAL CHARGES
24 AGAINST THE DEFENDANT HAVE BEEN DISMISSED UNDER § 3-107 OR § 3-108 OF THIS
25 SUBTITLE.

26 (2) IF A VICTIM OR VICTIM'S REPRESENTATIVE HAS REQUESTED
27 NOTIFICATION IN THE MANNER PROVIDED UNDER SUBSECTION (C) OF THIS
28 SECTION, THE HEALTH DEPARTMENT SHALL PROMPTLY NOTIFY THE VICTIM OR THE
29 VICTIM'S REPRESENTATIVE IN WRITING IF THE DEFENDANT:

30 (I) ESCAPES;

31 (II) IS RECAPTURED;

32 (III) IS TRANSFERRED TO ANOTHER FACILITY;

33 (IV) IS RELEASED; OR

1 (V) HAS DIED.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2006.