

HOUSE BILL 822

E2

2lr0605
CF 2lr1742

By: **Delegates Williams and Charles**

Introduced and read first time: February 3, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victims’ Rights – Dismissal of Charges**

3 FOR the purpose of authorizing a victim of a crime to petition the court to extend the time
4 before the court is required to dismiss a charge against a defendant found
5 incompetent to stand trial; and generally relating to victims’ rights.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 3–107 and 11–506
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2021 Supplement)

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

13 **Article – Criminal Procedure**

14 3–107.

15 (a) Whether or not the defendant is confined and unless **A VICTIM WHO HAS**
16 **FILED A NOTIFICATION REQUEST FORM UNDER § 11–104 OF THIS ARTICLE OR** the
17 State petitions the court for extraordinary cause to extend the time, the court shall dismiss
18 the charge against a defendant found incompetent to stand trial under this subtitle:

19 (1) when charged with a felony or a crime of violence as defined under §
20 14–101 of the Criminal Law Article, after the lesser of the expiration of 5 years or the
21 maximum sentence for the most serious offense charged; or

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 most serious offense charged.

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

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

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

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

12 11-506.

13 Whenever a person has been committed to the Maryland Department of Health
14 under § 3-112 of this article for a crime of violence and a victim of the crime or a victim's
15 representative has submitted a written request to the Maryland Department of Health for
16 notification or submitted a notification request form under § 11-104 of this title, the victim
17 or victim's representative has:

18 **(1) THE RIGHT TO PETITION THE COURT FOR EXTRAORDINARY CAUSE**
19 **TO EXTEND THE TIME TO DISMISS A CHARGE UNDER § 3-107 OF THIS ARTICLE; AND**

20 **(2) the rights provided under § 3-123 of this article.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2022.