

SENATE BILL 449

E2
SB 507/23 – JPR

4r2311
CF HB 1470

By: **Senator Muse**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2024

Returned to second reading: February 24, 2024

Senate action: Adopted with floor amendments

Read second time: February 24, 2024

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Incompetency to Stand Trial Dismissal**

3 FOR the purpose of altering a certain time period after which a court is required to dismiss
4 a certain charge against a defendant found incompetent to stand trial under certain
5 circumstances; authorizing a victim or victim’s representative to petition the court
6 to extend the time for dismissal of certain charges against a defendant found
7 incompetent to stand trial; and generally relating to incompetency to stand trial.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 3–107 ~~and 11–506~~
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2023 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.

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.



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

(1) **WHEN CHARGED WITH MURDER IN THE FIRST DEGREE IN VIOLATION OF § 2-201 OF THE CRIMINAL LAW ARTICLE OR SEXUALLY ASSAULTIVE BEHAVIOR AS DEFINED IN § 10-923 OF THE COURTS ARTICLE, AFTER THE LESSER OF THE EXPIRATION OF 10 YEARS OR THE MAXIMUM SENTENCE FOR THE MOST SERIOUS OFFENSE CHARGED;**

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

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

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

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

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

(2) the Criminal Justice Information System Central Repository.

~~11-506.~~

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.