

HOUSE BILL 312

E2
SB 449/24 – JPR

5lr1561

By: **Delegates Cardin and Bartlett**
Introduced and read first time: January 10, 2025
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2024 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.

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

21 (1) **WHEN CHARGED WITH MURDER IN THE FIRST DEGREE IN**
22 **VIOLATION OF § 2–201 OF THE CRIMINAL LAW ARTICLE OR SEXUALLY ASSAULTIVE**
23 **BEHAVIOR AS DEFINED IN § 10–923 OF THE COURTS ARTICLE, AFTER THE LESSER**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **OF THE EXPIRATION OF 10 YEARS OR THE MAXIMUM SENTENCE FOR THE MOST**
2 **SERIOUS OFFENSE CHARGED;**

3 **(2)** when charged with a felony or a crime of violence as defined under §
4 14–101 of the Criminal Law Article **NOT COVERED UNDER ITEM (1) OF THIS**
5 **SUBSECTION**, after the lesser of the expiration of 5 years or the maximum sentence for the
6 most serious offense charged; or

7 **[(2)] (3)** when charged with an offense not covered under item (1) **OR (2)**
8 of this subsection, after the lesser of the expiration of 3 years or the maximum sentence for
9 the most serious offense charged.

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2025.