



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 90: Criminal Procedure – Incompetency to Stand Trial Dismissal

Good afternoon, Mr. Chairman, Vice Chair, and members of the Judicial Proceedings Committee.

Senate Bill 90, seeks to alter the time period after which a court is required to dismiss a certain charge against a defendant found incompetent to stand trial under specific circumstances. It also requires the court to provide notice and offer an opportunity to be heard to the State's Attorney and the victim or the victim's representative before dismissing the charge against a defendant found incompetent to stand trial.

Currently, there is a provision requiring the dismissal of charges if a defendant is found incompetent to stand trial. SB 90 seeks to modify the timeline for dismissal, mandating that the charges be dismissed within 10 years for those defendants charged with First-Degree Murder or First-Degree Rape. This ensures that the legal process moves forward in a timely manner, while respecting the complexities of cases involving defendants who are unable to stand trial due to incompetence.

Two amendments have been proposed to clarify certain language in the bill:

1. **Amendment 1:** The language on page 2, lines 11-15, which is redundant with language found on lines 18-23, this will eliminate confusion. The revised language will read as follows:
“...under § 3-123 of this title and § 11-104 of this article advance notice and an opportunity to be heard.”
2. **Amendment 2:** The word “charge” will be struck on page 2, lines 16-17, to avoid any implication that the court has the authority to extend the maximum penalty for the charge itself. This will remove potential ambiguity, and the sentence will now end simply after “time.”

In conclusion, SB 90 is an important piece of legislation that seeks to balance the interests of justice with the rights of victims. The proposed amendments will ensure clarity and prevent confusion, enhancing the effectiveness of the bill.

Therefore, I respectfully urge the committee to issue a **FAVORABLE** report for SB 90 as amended.