

JON S. CARDIN
Legislative District 11
Baltimore County

Judiciary Committee

Chair
Civil Law and Procedure
Subcommittee



The Maryland House of Delegates
6 Bladen Street, Room 217
Annapolis, Maryland 21401
410-841-3054 · 301-858-3054
800-492-7122 Ext. 3054
Fax: 410-841-3385 · 301-858-3385
Jon.Cardin@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 180

Criminal Procedure – Incompetency to Stand Trial Dismissal

Support

The current version of CP 3-107 puts the public at unnecessary risk by requiring that dangerous incompetent defendants charged with murder or first-degree rape have their charges dismissed after five years.

Prior to 2012, the time period for defendants charged with murder was 10 years. That was a result of amendments made to the statute after public interest groups including the Public Defender's Office and Maryland Disability Law Center participated in numerous workgroups to amend the statute to most effectively balance the rights of defendants with disabilities and society's interest in public safety.

When the death penalty was repealed in 2012, the term "capital case" was stricken from all the statutes. Therefore, with no discussion or consideration of the consequences, the time for dismissal of murder charges was inadvertently reduced to five years from the 10-year time period. HB 180 seeks to restore the 10-year time period that was the result of the arduous work of various public interest workgroups.

HB 180 seeks to modify the timeline for dismissal, mandating that the charges be dismissed within 10 years for those defendants opined incompetent and dangerous who are charged with First Degree Murder or First-Degree Rape. HB 180 does not require the courts to keep the charges open for ten years but gives the court the option to do so when dismissing the charges would create a significant threat to public safety. The courts retain their authority to dismiss the charges at any time and will still be required to dismiss the charges if the defendant is opined non-restorable to competency and dangerous. 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 but are still deemed restorable to competency.

HB 180 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.