

# SENATE BILL 449

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SB 507/23 – JPR

4r2311  
CF HB 1470

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By: **Senator Muse**

Introduced and read first time: January 22, 2024

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2024

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## 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.

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:

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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.



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

6 (2) when charged with a felony or a crime of violence as defined under §  
 7 14-101 of the Criminal Law Article NOT COVERED UNDER ITEM (1) OF THIS  
 8 SUBSECTION, after the lesser of the expiration of 5 years or the maximum sentence for the  
 9 most serious offense charged; or

10 [(2)] (3) when charged with an offense not covered under item (1) OR (2)  
 11 of this subsection, after the lesser of the expiration of 3 years or the maximum sentence for  
 12 the most serious offense charged.

13 (b) Whether or not the defendant is confined, if the court considers that resuming  
 14 the criminal proceeding would be unjust because so much time has passed since the  
 15 defendant was found incompetent to stand trial, the court shall dismiss the charge without  
 16 prejudice. However, the court may not dismiss a charge without providing the State's  
 17 Attorney and a victim or victim's representative who has requested notification under §  
 18 3-123(c) of this title advance notice and an opportunity to be heard.

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

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

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

23 ~~11-506.~~

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

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

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

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