

SENATE BILL 90

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(PRE-FILED)

5lr1663
CF HB 195

By: **Senator Muse**

Requested: November 1, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; requiring a court to provide a certain notice and provide an
6 opportunity to be heard to the State's Attorney and a certain victim or victim's
7 representative before dismissing a certain charge against a defendant found
8 incompetent to stand trial; and generally relating to incompetency to stand trial.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 3–107
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2024 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 3–107.

18 (a) [Whether] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, WHETHER** or
19 not the defendant is confined [and unless the State petitions the court for extraordinary
20 cause to extend the time], the court shall dismiss the charge against a defendant found
21 incompetent to stand trial under this subtitle:

22 (1) **WHEN CHARGED WITH MURDER IN THE FIRST DEGREE IN**
23 **VIOLATION OF § 2–201 OF THE CRIMINAL LAW ARTICLE OR RAPE IN THE FIRST**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **DEGREE IN VIOLATION OF § 3–303 OF THE CRIMINAL LAW ARTICLE, AFTER THE**
2 **LESSER OF THE EXPIRATION OF 10 YEARS OR THE MAXIMUM SENTENCE FOR THE**
3 **MOST SERIOUS OFFENSE CHARGED;**

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

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

11 **(B) (1) AS PART OF THE PROCESS OF THE COURT DISMISSING A CHARGE,**
12 **THE COURT SHALL PROVIDE THE STATE’S ATTORNEY AND A VICTIM OR VICTIM’S**
13 **REPRESENTATIVE WHO HAS FILED A NOTIFICATION REQUEST FORM UNDER §**
14 **11–104 OF THIS ARTICLE ADVANCE NOTICE OF THE DISMISSAL AND AN**
15 **OPPORTUNITY TO BE HEARD.**

16 **(2) AT ANY TIME, THE STATE MAY PETITION THE COURT FOR**
17 **EXTRAORDINARY CAUSE TO EXTEND THE TIME OF THE CHARGE.**

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

24 **[(c)] (D)** If charges are dismissed under this section, the court shall notify:

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

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

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
29 **1, 2025.**