

IF THE DEFENDANT IS FOUND INCOMPETENT TO STAND TRIAL, DEFENSE COUNSEL MAY MAKE ANY LEGAL OBJECTION TO THE PROSECUTION THAT MAY BE DETERMINED FAIRLY BEFORE TRIAL AND WITHOUT THE PERSONAL PARTICIPATION OF THE DEFENDANT.

(E) INCLUSION IN CENTRAL REPOSITORY.

THE COURT SHALL NOTIFY THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF ANY COMMITMENT ORDERED OR RELEASE AUTHORIZED UNDER THIS SECTION AND OF ANY DETERMINATION THAT A DEFENDANT IS NO LONGER INCOMPETENT TO STAND TRIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former HG § 12-105.

In subsection (e) of this section, the reference to "Criminal Justice Information System Central Repository" is substituted for the former reference to "central repository of the criminal justice information system" to conform to the terminology used in § 11-203 of this article.

Defined terms: "Court" § 3-101

"Health Department" § 3-101

"Incompetent to stand trial" § 3-101

"Mental disorder" § 3-101

"Person" § 1-101

3-107. DISMISSAL OF CHARGES.

(A) IN GENERAL.

WHETHER OR NOT THE DEFENDANT IS CONFINED, IF THE COURT CONSIDERS THAT RESUMING THE CRIMINAL PROCEEDING WOULD BE UNJUST BECAUSE SO MUCH TIME HAS PASSED SINCE THE DEFENDANT WAS FOUND INCOMPETENT TO STAND TRIAL, THE COURT MAY DISMISS THE CHARGE. HOWEVER, THE COURT MAY NOT DISMISS A CHARGE:

(1) WITHOUT PROVIDING THE STATE'S ATTORNEY AND A VICTIM OR VICTIMS REPRESENTATIVE WHO HAS FILED A NOTIFICATION REQUEST FORM UNDER § 11-104 OF THIS ARTICLE ADVANCE NOTICE AND AN OPPORTUNITY TO BE HEARD; AND

(2) (I) UNTIL 10 YEARS AFTER THE DEFENDANT WAS FOUND INCOMPETENT TO STAND TRIAL IN ANY CAPITAL CASE; OR

(II) UNTIL 5 YEARS AFTER THE DEFENDANT WAS FOUND INCOMPETENT TO STAND TRIAL IN ANY OTHER CASE WHERE THE PENALTY MAY BE IMPRISONMENT IN A STATE CORRECTIONAL FACILITY.

(B) NOTICE OF DISMISSAL.

IF CHARGES ARE DISMISSED UNDER THIS SECTION, THE COURT SHALL NOTIFY: