

THE COURT SHALL DISMISS THE CHARGE AGAINST A DEFENDANT FOUND INCOMPETENT TO STAND TRIAL UNDER THIS SUBTITLE:

(1) WHEN CHARGED WITH A CAPITAL OFFENSE, AFTER THE EXPIRATION OF 10 YEARS;

(2) WHEN CHARGED WITH A FELONY OR A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, AFTER THE LESSER OF THE EXPIRATION OF 5 YEARS OR THE MAXIMUM SENTENCE FOR THE MOST SERIOUS OFFENSE CHARGED; OR

(3) WHEN CHARGED WITH AN OFFENSE NOT COVERED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION, AFTER THE LESSER OF THE EXPIRATION OF 3 YEARS OR THE MAXIMUM SENTENCE FOR THE MOST SERIOUS OFFENSE CHARGED.

(B) 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] SHALL dismiss the charge ~~WITH~~ WITHOUT PREJUDICE. However, the court may not dismiss a [charge:

(1)] CHARGE without providing the State's Attorney and a victim or victim's representative who has [filed a notification request form] REQUESTED NOTIFICATION under [§ 11-104] § 3-123(C) of this [article] TITLE 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)](C) If charges are dismissed under this section, the court shall notify:

(1) the victim of the crime charged or the victim's representative who has [filed a notification request form] REQUESTED NOTIFICATION under [§ 11-104] § 3-123(C) of this article; and

(2) the Criminal Justice Information System Central Repository.

3-108.

(a) (1) In addition to any other report required under this title, the Health Department shall report [annually to each] TO THE court that has ordered commitment of a [person] DEFENDANT under § 3-106 of this title; :

(I) EVERY 6 MONTHS FROM THE DATE OF COMMITMENT OF THE DEFENDANT; AND

(II) WHENEVER THE HEALTH DEPARTMENT DETERMINES THAT: