

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:

1. THE DEFENDANT NO LONGER IS INCOMPETENT TO STAND TRIAL;

2. THE DEFENDANT NO LONGER IS, BECAUSE OF MENTAL RETARDATION OR A MENTAL DISORDER, A DANGER TO SELF OR THE PERSON OR PROPERTY OF OTHERS; OR

3. THERE IS NOT A SUBSTANTIAL LIKELIHOOD THAT THE DEFENDANT WILL BECOME COMPETENT TO STAND TRIAL IN THE FORESEEABLE FUTURE.

(2) [The report shall contain:

(i) a list of the persons held under commitment orders; and

(ii) any recommendations that the Health Department considers appropriate.] THE DEPARTMENT SHALL INCLUDE A SUPPLEMENTAL REPORT THAT PROVIDES A PLAN FOR SERVICES TO FACILITATE THE DEFENDANT REMAINING