

TASK FORCE COMMENT TO § 12-105.

This section replaces former Health - General Article, § 12-104, "Finding of incompetency -- In general". The Governor's Task Force to Review the Defense of Insanity recommends, as the only substantive change to this section, the addition of a new subsection (d) to require the inclusion in the central computer of the criminal justice information system information about commitment or release of defendants determined to be incompetent to stand trial, and any later determination of competency.

The Task Force believes this State will have a clearer picture of the extent of criminal activity and persons involved in criminal activity if this information is included in the central computer and will be better able to plan crime prevention systems and judge the effectiveness of its systems for the management of those who commit crimes.

12-106. SAME -- 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) UNTIL 10 YEARS AFTER THE DEFENDANT WAS FOUND INCOMPETENT TO STAND TRIAL IN ANY CAPITAL CASE; OR

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

(B) INCLUSION IN CENTRAL COMPUTER DATA.

THE COURT SHALL NOTIFY THE CENTRAL REPOSITORY OF THE CRIMINAL JUSTICE INFORMATION SYSTEM ANY TIME CHARGES ARE DISMISSED UNDER THIS SECTION.

TASK FORCE COMMENT TO § 12-106.

This section replaces former Health - General Article, § 12-105, "Same -- Dismissal of charges". The only substantive change to this section recommended by the Governor's Task Force to Review the Defense of Insanity is the addition of a new subsection (b) to require the inclusion in the central computer of the criminal justice information system data as to dismissal of charges for a defendant who was determined to be incompetent to stand trial.

See § 12-105 of this title and the Task Force Comment.