

WILLIAM DONALD SCHAEFER, Governor

(III) THE DEFENDANT IS FOUND TO BE INCOMPETENT TO STAND TRIAL UNDER § 12-105 OF THE HEALTH - GENERAL ARTICLE AND AT LEAST 5 YEARS HAVE ELAPSED FROM THAT FINDING WITHOUT A FURTHER DISPOSITION OF THE CHARGE; OR

(IV) THE CHARGES AGAINST THE DEFENDANT ARE PLACED ON THE STET DOCKET AND A PERIOD OF AT LEAST 3 YEARS HAVE ELAPSED.

(4) NOTWITHSTANDING SUBSECTION (L) OF THIS SECTION, IF A DEFENDANT WAS CONVICTED BEFORE JULY 1, 1987 OR VOLUNTARILY AND INTELLIGENTLY ADMITTED TO THE COMMISSION OF A CRIME FOR WHICH THE DEFENDANT IS NOT PROSECUTED, THE ATTORNEY GENERAL SHALL PAY OVER TO THE DEFENDANT:

(I) ALL OF THE FUNDS FROM THE ESCROW ACCOUNT, IF AT LEAST 5 YEARS HAVE ELAPSED FROM THE ESTABLISHMENT OF THE ESCROW ACCOUNT AND NO ACTION BY THE VICTIM IS PENDING AGAINST THE DEFENDANT; OR

(II) ANY MONEY REMAINING IN THE ESCROW ACCOUNT AFTER PAYMENT OF THE CLAIMS DESCRIBED IN SUBSECTION (I) OF THIS SECTION.

(F) (1) THE ATTORNEY GENERAL SHALL MAKE PAYMENTS TO THE DEFENDANT FROM THE ESCROW ACCOUNT ON ORDER OF A COURT OF COMPETENT JURISDICTION THAT THE DEFENDANT HAS SHOWN THAT THE FUNDS WILL BE USED FOR THE PURPOSE OF RETAINING LEGAL COUNSEL AT ANY STAGE OF THE PROCEEDINGS OF THE CRIMINAL CHARGES, INCLUDING THE APPEALS PROCESS.

~~(2) AFTER NOTICE TO THE VICTIMS OF THE CRIME, THE ATTORNEY GENERAL MAY SHALL MAKE PAYMENTS FROM THE ESCROW ACCOUNT TO A REPRESENTATIVE OF A DEFENDANT FOR THE NECESSARY EXPENSES OF PRODUCTION OF THE MONEYS PAID INTO THE ESCROW ACCOUNT IF THE ATTORNEY GENERAL FINDS THAT THE PAYMENTS ARE IN THE BEST INTERESTS OF THE VICTIMS OF THE CRIME NECESSARY AND ARE NOT CONTRARY TO PUBLIC POLICY IF THE ATTORNEY GENERAL FINDS THAT THE PAYMENTS ARE IN THE BEST INTERESTS OF THE VICTIMS OF THE CRIME AND ARE NOT CONTRARY TO PUBLIC POLICY.~~

(3) THE ATTORNEY GENERAL MAY MAKE PAYMENTS FROM THE ESCROW ACCOUNT FOR THE COSTS OF ANY LEGAL NOTICES REQUIRED UNDER SUBSECTION (E)(2)(II) OF THIS SECTION.

{3} (4) THE TOTAL OF ALL PAYMENTS MADE FROM THE ESCROW ACCOUNT UNDER PARAGRAPH--{2}--OF THIS SUBSECTION MAY NOT EXCEED 25 PERCENT OF THE TOTAL PAYMENTS INTO THE ESCROW ACCOUNT AND AVAILABLE TO SATISFY JUDGMENTS OBTAINED BY THE VICTIMS OF CRIME.