

or witness or a violation of § 27 of this article or [§§ 767 through 769 of this part] § 761 OR § 762 OF THIS SUBHEADING. This authority includes the power to:

(1) Order any person not to violate the provisions of § 27 of this article or [§§ 767 through 769 of this part] § 761 OR § 762 OF THIS SUBHEADING;

(2) Order any person to maintain a certain physical distance from any other person specified by the court;

(3) Prohibit any person from communicating with any other person specified by the court, except through an attorney or other individual specified by the court; and

(4) Hold a hearing to determine if an order should be issued under this section.

(c) (1) The court may use its contempt power to enforce an order issued under this section.

(2) If a defendant violates an order issued under this section the court may revoke the defendant's pretrial release in order to ensure the safety of a victim or witness or the integrity of the judicial process.

DRAFTER'S NOTE: This section formerly was Art. 27, § 769 of the Code.

The references to "§ 761 or § 762 of this subheading" are substituted for the former, obsolete references to "§§ 767 through 769 of this part". However, because the inclusion of § 769 in the former reference to § 769 was a technical error, the corresponding reference to § 763, now this section, is omitted.

764. RESERVED.

765. RESERVED.

PRETRIAL PROCEDURES

766. DISMISSAL OF ASSAULT AND BATTERY CHARGES.

[In cases where recognizance to prosecute have been entered into, and before presentment or indictment found, the several courts of this State having jurisdiction of crimes and offenses, upon the motion of the State's Attorney, with the consent of the parties injured and accused, may compromise any assault and battery, the party accused paying the same costs as would have been incurred by the finding a true bill and plea of guilty; provided, such court shall consider it proper in reference to the peace of the State so to do.]

(A) ON MOTION OF THE STATE'S ATTORNEY, A COURT MAY DISMISS A CHARGE OF ASSAULT AND BATTERY IF:

(1) THE VICTIM AND THE ACCUSED AGREE TO THE DISMISSAL; AND

(2) THE COURT CONSIDERS THE DISMISSAL PROPER.

(B) THE ACCUSED SHALL PAY THE SAME COSTS AS WOULD HAVE BEEN INCURRED IF THE ACCUSED HAD BEEN FOUND GUILTY.