

- (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.

DRAFTER'S NOTE: This section is transferred from Art. 10, § 37 of the Code.

In subsection (a) of this section, the former phrase "In cases where recognizance to prosecute have been entered into, and before presentment or indictment found," is deleted as unnecessary and inaccurate concerning assault and battery charges.

Also in subsection (a) of this section, the former phrase, "the several courts of this State having jurisdiction of crimes and offenses" is deleted as surplusage.

In subsection (a)(1) of this section, the word "victim" is substituted for the former word "parties injured" to conform to the terminology of the rest of this subtitle.

767. NOTICE OF FILINGS AND APPEALS TO VICTIM OF DELINQUENT ACT.

A VICTIM OF A DELINQUENT ACT COMMITTED BY A JUVENILE HAS THE RIGHTS PROVIDED UNDER § 3-810 OF THE COURTS ARTICLE.

DRAFTER'S NOTE: This section merely provides a cross-reference to CJ § 3-810 for informational purposes.

No change in the law is intended.

As to the definition of "victim" and "delinquent act", see CJ § 3-801.

768. PROTECTION FOR STALKING VICTIM IF DEFENDANT IS RELEASED PRETRIAL.

AS PROVIDED UNDER § 616 1/2 OF THIS ARTICLE THE COURT OR DISTRICT COURT COMMISSIONER SHALL CONSIDER THE SAFETY OF THE ALLEGED VICTIM AS A CONDITION OF THE PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH STALKING.

DRAFTER'S NOTE: This section merely provides a cross-reference to § 616 1/2 of this article.

No change in the law is intended.

769. NOTICE OF COMPETENCE EXAMINATION TO VICTIM.

AS PROVIDED UNDER § 12-122 OF THE HEALTH - GENERAL ARTICLE, A VICTIM OF A CRIME OF VIOLENCE SHALL BE NOTIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WHEN THE DEPARTMENT RECEIVES A COURT ORDER TO EXAMINE A DEFENDANT TO DETERMINE WHETHER THE DEFENDANT WAS NOT CRIMINALLY RESPONSIBLE AND WHETHER THE DEFENDANT IS COMPETENT TO STAND TRIAL.