

Division or the Commission is carrying out any of their statutory duties either at the direction of a court of competent jurisdiction, or when the Maryland Parole Commission is carrying out any of its statutory duties, if the record concerns a charge or adjudication of delinquency.

(e) This section does not prohibit access to and use of any juvenile record by the Maryland Division of Correction when the Division is carrying out any of its statutory duties if: (1) the individual to whom the record pertains is committed to the custody of the Division; and (2) the record concerns an adjudication of delinquency.

(f) Subject to the provisions of Article 83C, § 2-115 of the Code, this section does not prohibit access to or use of any juvenile record for criminal justice research purposes. A record used under this subsection may not contain the name of the individual to whom the record pertains, or any other identifying information which could reveal the individual's name.

(G) THIS SECTION DOES NOT PROHIBIT A VICTIM WHO HAS FILED A NOTIFICATION REQUEST FORM FROM BEING NOTIFIED OF PROCEEDINGS AND EVENTS INVOLVING THE DEFENDANT OR CHILD AS PROVIDED IN ~~ARTICLE 27, §§ 770 AND 788~~ THIS ARTICLE OR ARTICLE 27 OF THE CODE.

#### Article – Health – General

12-106.

(a) 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) WITHOUT PROVIDING THE STATE'S ATTORNEY AND A VICTIM WHO HAS FILED A NOTIFICATION REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE ADVANCE NOTICE AND AN OPPORTUNITY TO BE HEARD; AND

[(1)](2) (I) Until 10 years after the defendant was found incompetent to stand trial in any capital case; or

[(2)](II) 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) [The court shall notify the central repository of the criminal justice information system any time charges are dismissed under this section ] IF CHARGES ARE DISMISSED UNDER THIS SECTION, THE COURT SHALL NOTIFY:

(1) THE VICTIM OF THE CRIME CHARGED WHO HAS FILED A NOTIFICATION REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE; AND

(2) THE CENTRAL REPOSITORY OF THE CRIMINAL JUSTICE INFORMATION SYSTEM.