

ON A PRETRIAL MOTION OF THE STATE, A COURT MAY DISMISS A CHARGE OF ASSAULT IF:

- (1) THE VICTIM AND THE DEFENDANT AGREE TO THE DISMISSAL; AND
  - (2) THE COURT CONSIDERS THE DISMISSAL PROPER.
- (B) PAYMENT OF COSTS.

THE DEFENDANT SHALL PAY THE COSTS THAT WOULD HAVE BEEN INCURRED IF THE DEFENDANT HAD BEEN FOUND GUILTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 12A-5.

In subsection (a) of this section, the reference to the "State" is substituted for the former reference to the "State's Attorney" for clarity.

In subsections (a)(1) and (b) of this section, the references to the "defendant" are substituted for the former references to the "accused" for consistency within this subtitle, particularly with § 3-206 of this subtitle.

In subsection (b) of this section, the requirement for the defendant to pay "the costs that" would have been incurred is substituted for the former requirement for the defendant to pay "the same costs as" would have been incurred for clarity.

Defined term: "Assault" § 3-201

3-208. EVIDENCE OF SERIOUS PHYSICAL INJURY.

EXPERT TESTIMONY IS ADMISSIBLE TO PROVE, BUT IS NOT REQUIRED TO PROVE, SERIOUS PHYSICAL INJURY.

REVISOR'S NOTE: This section formerly was Art. 27, § 12A-7(b).

No changes are made.

Former Art. 27, § 12A-7(a), which provided that the term "assault" used elsewhere in the Code meant assault in any degree, is revised as a general rule of interpretation in Art. 1, § 33.

Defined term: "Serious physical injury" § 3-201

3-209. DEFENSES.

A PERSON CHARGED WITH A CRIME UNDER § 3-202, § 3-203, § 3-204, OR § 3-205 OF THIS SUBTITLE MAY ASSERT ANY JUDICIALLY RECOGNIZED DEFENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 12A-3.

In this section, the reference to a "crime" is substituted for the former reference to an "offense" for consistency within this article. See General Revisor's Note to article.