

(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 (1) of this section, if a defendant was convicted before July 1, 1987, 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 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 necessary 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.

(4) The total of all payments made from the escrow account under 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.

(g) Notwithstanding any other provision of law or statute of limitations to the contrary, including the statute of limitations for a wrongful death action, a victim shall bring a civil action against a defendant within 5 years after any escrow account has been established by the Attorney General.

(h) Any action taken by a defendant, including an execution of a power of attorney, creation of corporate entities, or designation of the defendant's interest, to defeat the purpose of this section shall be void as against public policy.

(i) (1) Notwithstanding any other provision of law, claims on moneys in the escrow account shall have the following priorities:

(i) Payments ordered by the Attorney General or a court under subsection (f) of this section;

(ii) Subrogation claims of the State under ~~Article 26A of the Code~~ § 828 OF THIS ARTICLE;

(iii) A court order of restitution under § [640] 807 of this article;