

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 575

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “those” and substitute “certain”; in lines 11 and 12, strike “location tracking systems.”; in line 12, after “orders;” insert “prohibiting a person from knowingly violating certain restrictions on movement, failing to return to certain places of confinement under certain conditions, and certain tampering with certain monitoring devices;”; after line 16, insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Law

Section 9-410(a)

Annotated Code of Maryland

(2002 Volume and 2003 Supplement)”;

in line 19, strike “and”; and in the same line, after “9-405” insert “, and 9-410(f)”.

AMENDMENT NO. 2

On page 2, in line 3, after “(f)” insert “(1)”; in line 4, strike “(1)” and substitute “(I)”; in line 5, strike “(2)” and substitute “(II)”; in line 10, strike “(3)” and substitute “(III)”; in the same line, strike “EXCEPT AS PROVIDED IN § 9-405 OF THIS SUBTITLE,”; after line 11, insert:

“(2) “PLACE OF CONFINEMENT” DOES NOT INCLUDE:

(I) A DETENTION CENTER FOR JUVENILES;

(II) A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, § 2-117(A)(2) OF THE CODE; OR

(III) A PLACE IDENTIFIED IN A JUVENILE COMMUNITY

(Over)

DETENTION ORDER.”;

strike in their entirety lines 14 through 16, inclusive; and after line 16, insert:

“(b) A person may not:

(1) escape from:

(I) a detention center for juveniles [or];

(II) a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the Code;

OR

(III) A PLACE IDENTIFIED IN A JUVENILE COMMUNITY
DETENTION ORDER; and

(2) in the course of the escape commit an assault.”.

On page 3, in line 2, before “A” insert “(1)”; and in line 4, strike “(B)” and substitute “(2)”.

On pages 4 and 5, strike in their entirety the lines beginning with line 12 on page 4 through line 10 on page 5, inclusive.

On page 5, after line 10, insert:

“(3) A PERSON MAY NOT ESCAPE FROM:

(I) EXCEPT AS OTHERWISE PUNISHABLE UNDER § 9-404(B) OF
THIS SUBTITLE, A DETENTION CENTER FOR JUVENILES OR A FACILITY FOR
JUVENILES LISTED IN ARTICLE 83C, § 2-117(A)(2) OF THE CODE;

(II) A PLACE IDENTIFIED IN A HOME DETENTION ORDER OR
AGREEMENT; OR

(III) A PLACE IDENTIFIED IN A JUVENILE COMMUNITY
DETENTION ORDER.

(B) (1) THIS SUBSECTION APPLIES TO A PERSON WHO IS:

(I) TEMPORARILY RELEASED FROM A PLACE OF CONFINEMENT;

(II) COMMITTED TO A PRETRIAL AGENCY;

(III) COMMITTED TO HOME DETENTION BY:

1. THE COURT; OR

2. THE DIVISION OF CORRECTION UNDER TITLE 3, SUBTITLE 4 OF THE CORRECTIONAL SERVICES ARTICLE;

(IV) COMMITTED TO A HOME DETENTION PROGRAM ADMINISTERED BY A COUNTY;

(V) COMMITTED TO A PRIVATE HOME DETENTION MONITORING AGENCY AS DEFINED IN § 20-101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

(VI) ORDERED BY A COURT TO SERVE A TERM OF CUSTODIAL CONFINEMENT AS DEFINED IN § 6-219 OF THE CRIMINAL PROCEDURE ARTICLE AS A CONDITION OF A SUSPENDED SENTENCE OR PROBATION BEFORE OR AFTER JUDGMENT.

(2) A PERSON MAY NOT KNOWINGLY:

(I) VIOLATE ANY RESTRICTION ON MOVEMENT IMPOSED UNDER THE TERMS OF A TEMPORARY RELEASE, PRETRIAL COMMITMENT, CUSTODIAL CONFINEMENT, OR HOME DETENTION ORDER OR AGREEMENT;

(II) FAIL TO RETURN TO A PLACE OF CONFINEMENT UNDER THE TERMS OF A TEMPORARY RELEASE, PRETRIAL COMMITMENT, CUSTODIAL CONFINEMENT, OR HOME DETENTION ORDER OR AGREEMENT; OR

(III) REMOVE, BLOCK, DEACTIVATE, OR OTHERWISE TAMPER WITH A MONITORING DEVICE REQUIRED TO BE WORN OR CARRIED BY THE PERSON TO TRACK THE PERSON'S LOCATION, INCLUDING AN ANKLE OR WRIST BRACELET, GLOBAL POSITION SATELLITE OFFENDER TRACKING TECHNOLOGY, OR COMPARABLE EQUIPMENT OR SYSTEM.”;

in line 11, strike “(H)” and substitute “(C)”;

“9-410.

(a) In this part the following words have the meanings indicated.

(f) (1) "Place of confinement" [has the meaning stated in § 9-401 of this subtitle]
MEANS:

(I) A CORRECTIONAL FACILITY;

(II) A FACILITY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(III) A DETENTION CENTER FOR JUVENILES;

(IV) A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, § 2-117(A)(2) OF THE CODE;

(V) A PLACE IDENTIFIED IN A JUVENILE COMMUNITY DETENTION ORDER; OR

(VI) ANY OTHER FACILITY IN WHICH A PERSON IS CONFINED UNDER COLOR OF LAW.

(2) "Place of confinement" does not include a place identified in a home detention order or agreement.”.