
By: **Delegates Genn, Comeau, R. Baker, Goldwater, Kopp, Preis, and
Grosfeld**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Offenders - Notice of Escape to Victims and Local Law**
3 **Enforcement Agencies**

4 FOR the purpose of requiring a supervising authority to provide certain notice if a
5 person convicted of a certain crime of violence escapes from a facility or the
6 custody of a supervising authority; requiring that certain persons receive
7 notification; requiring notice information to be confidential; requiring notice of
8 recapture of an offender; requiring the Secretary of Public Safety and
9 Correctional Services to adopt certain regulations; defining certain terms; and
10 generally relating to notice of escape of certain criminal offenders under certain
11 circumstances.

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 789A
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 27 - Crimes and Punishments**

20 789A.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
24 CORRECTIONAL SERVICES.

25 (3) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE LAW
26 ENFORCEMENT AGENCY IN A COUNTY THAT HAS BEEN DESIGNATED BY THE

1 COUNTY GOVERNING BODY AS THE PRIMARY LAW ENFORCEMENT UNIT IN THE
2 COUNTY.

3 (4) "OFFENDER" MEANS A PERSON WHO HAS BEEN CONVICTED OF A
4 CRIME OF VIOLENCE AS DEFINED IN § 643B(A) OF THIS ARTICLE.

5 (5) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF
6 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

7 (6) "SUPERVISING AUTHORITY" MEANS:

8 (I) IF THE OFFENDER IS IN THE CUSTODY OF A FACILITY
9 OPERATED BY THE DEPARTMENT;

10 (II) IF THE OFFENDER IS IN THE CUSTODY OF A LOCAL OR
11 REGIONAL DETENTION CENTER, INCLUDING AN OFFENDER WHO IS PARTICIPATING
12 IN A HOME DETENTION PROGRAM, THE MANAGING OFFICIAL OF THE FACILITY;

13 (III) EXCEPT AS PROVIDED IN ITEM (VII) OF THIS PARAGRAPH, IF
14 THE OFFENDER IS GRANTED PROBATION BEFORE JUDGMENT, PROBATION AFTER
15 JUDGMENT, OR A SUSPENDED SENTENCE, THE COURT THAT GRANTED THE
16 PROBATION OR SUSPENDED SENTENCE;

17 (IV) IF THE OFFENDER IS IN THE CUSTODY OF THE PATUXENT
18 INSTITUTION, THE SECRETARY;

19 (V) IF THE OFFENDER IS IN THE CUSTODY OF A FACILITY
20 OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
21 SECRETARY OF HEALTH AND MENTAL HYGIENE;

22 (VI) IF THE OFFENDER IS IN THE STATE UNDER THE TERMS AND
23 CONDITIONS OF THE INTERSTATE COMPACTS UNDER ARTICLE 41, §§ 4-801 AND 4-1201
24 THROUGH 4-1211 OF THE CODE, THE SECRETARY; OR

25 (VII) IF THE OFFENDER IS UNDER THE SUPERVISION OF THE
26 DIVISION OF PAROLE AND PROBATION, THE SECRETARY.

27 (B) (1) IF AN OFFENDER ESCAPES FROM A FACILITY OR THE CUSTODY OF A
28 SUPERVISING AUTHORITY, THE SUPERVISING AUTHORITY SHALL IMMEDIATELY
29 NOTIFY, BY THE MOST REASONABLE AND EXPEDIENT MEANS AVAILABLE:

30 (I) IN ACCORDANCE WITH § 789 OF THIS ARTICLE, ANY VICTIM OR
31 VICTIM'S REPRESENTATIVE OF THE CRIME FOR WHICH THE OFFENDER WAS
32 CONVICTED, IF THE VICTIM OR VICTIM'S REPRESENTATIVE HAS FILED A
33 NOTIFICATION REQUEST FORM UNDER § 770 OF THIS ARTICLE OR MADE A WRITTEN
34 REQUEST TO A SUPERVISING AUTHORITY;

35 (II) ANY OF THE FOLLOWING INDIVIDUALS WHO HAVE REQUESTED
36 IN WRITING NOTIFICATION OF ESCAPE ABOUT A SPECIFIC OFFENDER:

1 1. ANY WITNESS WHO TESTIFIED AGAINST THE REGISTRANT
2 IN ANY COURT PROCEEDING INVOLVING THE OFFENSE; AND

3 2. ANY INDIVIDUAL SPECIFIED IN WRITING BY THE STATE'S
4 ATTORNEY;

5 (III) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
6 JURISDICTION IN WHICH:

7 1. THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
8 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

9 2. THE OFFENDER ESCAPED; AND

10 (IV) ANY PERSON OR AGENCY ENTITLED TO NOTICE UNDER § 792 OF
11 THIS ARTICLE.

12 (2) INFORMATION REGARDING ANY INDIVIDUAL WHO RECEIVES NOTICE
13 UNDER PARAGRAPH (1) OF THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE
14 DISCLOSED TO THE OFFENDER OR ANY OTHER PERSON OR OTHER ENTITY.

15 (3) IF THE OFFENDER IS RECAPTURED, THE SUPERVISING AUTHORITY
16 SHALL SEND NOTICE, AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 2
17 WORKING DAYS AFTER THE SUPERVISING AUTHORITY LEARNS OF THE RECAPTURE,
18 TO:

19 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
20 JURISDICTION IN WHICH:

21 1. THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
22 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

23 2. THE OFFENDER ESCAPED; AND

24 (II) ANY INDIVIDUAL WHO IS ENTITLED TO RECEIVE NOTICE
25 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

26 (4) A SUPERVISING AUTHORITY SHALL SEND ANY NOTICE REQUIRED
27 UNDER PARAGRAPHS (1) AND (3) OF THIS SUBSECTION TO THE LAST ADDRESS
28 PROVIDED TO THE SUPERVISING AUTHORITY FOR AN INDIVIDUAL WHO IS ENTITLED
29 TO NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

30 (5) (I) THE DEPARTMENT AND LOCAL LAW ENFORCEMENT AGENCIES
31 SHALL ESTABLISH PROCEDURES FOR CARRYING OUT THE NOTIFICATION
32 REQUIREMENTS OF PARAGRAPHS (1) AND (3) OF THIS SUBSECTION, INCLUDING THE
33 CIRCUMSTANCES UNDER AND MANNER IN WHICH NOTIFICATION SHALL BE
34 PROVIDED.

1 (II) A LOCAL LAW ENFORCEMENT AGENCY AND THE DEPARTMENT
2 MAY NOT RELEASE THE IDENTITY OF A VICTIM OF AN OFFENSE WHO RECEIVES
3 NOTIFICATION UNDER THIS SECTION.

4 (6) A DISCLOSURE UNDER THIS SUBSECTION MAY NOT BE CONSTRUED
5 TO LIMIT OR PROHIBIT ANY OTHER DISCLOSURE PERMITTED OR REQUIRED UNDER
6 LAW.

7 (C) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE
8 PROVISIONS OF THIS SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.