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By: **Delegate Menes**  
Introduced and read first time: February 10, 1999  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Escape - Weekend and Periodic Sentences**

3 FOR the purpose of prohibiting a person who has been ordered by a court to report to  
4 a correctional facility for service of a sentence, including certain weekend and  
5 other intermittent sentences, to knowingly fail to appear for service of the  
6 sentence in violation of the court order; making a violation an escape; providing  
7 penalties; making a person who violates this Act liable for certain expenses  
8 under certain circumstances; defining a certain term; making stylistic changes;  
9 and generally relating to escape.

10 BY repealing and reenacting, without amendments,  
11 Article - Correctional Services  
12 Section 1-101(d)  
13 Annotated Code of Maryland  
14 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
15 1999)

16 BY repealing and reenacting, with amendments,  
17 Article 27 - Crimes and Punishments  
18 Section 139  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 1998 Supplement)

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

23 **Article - Correctional Services**

24 1-101.

25 (d) "Correctional facility" means a facility that is operated for the purpose of  
26 detaining or confining adults who are charged with or found guilty of a crime.

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**Article 27 - Crimes and Punishments**

2 139.

3 (A) IN THIS SECTION, "CORRECTIONAL FACILITY" HAS THE MEANING STATED  
4 IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

5 [(a)] (B) (1) If any individual who is legally detained in [the State  
6 penitentiary or a jail, house of correction, reformatory, station house, or other place of  
7 confinement in this State] A CORRECTIONAL FACILITY or who is committed to the  
8 Alcohol and Drug Abuse Administration for examination or inpatient treatment  
9 escapes, the individual is guilty of a felony and on conviction by the circuit court for  
10 the county in which the escape takes place, is subject to [confinement in the State  
11 penitentiary or a jail or house of correction] IMPRISONMENT for an additional period  
12 not exceeding 10 years. The sentence imposed under this subsection shall be  
13 consecutive to any sentence which was being served at the time of the escape, or any  
14 sentence which had been imposed but was not yet being served at the time of  
15 sentencing on the escape. A sentence imposed under this subsection may not be  
16 suspended.

17 (2) (i) The following are places of confinement for the purposes of this  
18 section:

19 1. Detention centers and youth centers operated by the  
20 Department of Juvenile Justice;

21 2. The programs for committed delinquent or detained youth  
22 at the Charles H. Hickey, Jr. School, the Thomas O'Farrell Youth Center, the  
23 Doncaster Facility, and the Victor Cullen Center; and

24 3. The programs for committed delinquent youth operated by  
25 the Department of Juvenile Justice at the Cheltenham Youth Facility.

26 (ii) The sentence for escape from a facility designated in this  
27 paragraph that does not involve an assault may not exceed confinement for 3 years.

28 (3) If any individual escapes from a facility of the Department of Health  
29 and Mental Hygiene after commitment as incompetent to stand trial or not criminally  
30 responsible, the individual is guilty of a felony and on conviction is subject to  
31 confinement in the State penitentiary or a jail or house of correction for a period not  
32 exceeding 10 years.

33 (4) A PERSON WHO HAS BEEN ORDERED BY A COURT TO REPORT TO A  
34 CORRECTIONAL FACILITY FOR SERVICE OF A SENTENCE, INCLUDING A SENTENCE  
35 TO BE SERVED ON WEEKENDS OR OTHER INTERMITTENT TIME PERIODS, AND WHO  
36 KNOWINGLY FAILS TO APPEAR FOR SERVICE OF THE SENTENCE IN VIOLATION OF  
37 THE COURT ORDER IS GUILTY OF ESCAPE AND ON CONVICTION IS SUBJECT TO THE  
38 PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.

1 [(b)] (C) An escapee who is convicted under subsection (a)(1) OR SUBSECTION  
2 (A)(4) of this section is liable for all expenses incurred in the return of the escapee to  
3 the jurisdiction of the [Division of Correction, State penitentiary, or a jail, house of  
4 correction, reformatory, station house, other place of confinement in this State,]  
5 CORRECTIONAL FACILITY or the Alcohol and Drug Abuse Administration. The  
6 Commissioner, sheriff, or director of the appropriate facility shall notify the returned  
7 escapee of any charges. A hearing shall be granted to any returned escapee who  
8 wishes to challenge the reasonableness of the charges. The Commissioner, sheriff, or  
9 director of the appropriate facility may establish appropriate rules, regulations, and  
10 procedures for charging an escapee with expenses, collecting those expenses, and for  
11 hearings to challenge those expenses.

12 [(c)] (D) A person who aids in the escape of the individual under this section is  
13 guilty of a felony and on conviction by the circuit court for the county in which the  
14 escape takes place is subject to imprisonment not exceeding 10 years.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1999.