
By: **Delegate Brown (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 4, 2004
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - First and Second Degree Escape - Home Detention, Juvenile,**
3 **and Custodial Confinement Programs**

4 FOR the purpose of modifying the elements and penalties for escape in the first
5 degree and escape in the second degree; repealing certain violations of escape in
6 the first degree involving certain juvenile facilities, home detention orders,
7 temporary releases from confinement, custodial confinement, and juvenile
8 community detention orders; establishing those violations as escape in the
9 second degree; prohibiting a person from escaping from certain types of
10 confinement or restrictions involving juvenile facilities, home detention orders,
11 temporary releases from confinement, custodial confinement, location tracking
12 systems, and juvenile community detention orders; clarifying various types of
13 home detention or custodial confinement programs subject to the crime of
14 escape in the second degree; modifying a defined term; establishing certain
15 penalties; and generally relating to escape in the first degree and escape in the
16 second degree.

17 BY repealing and reenacting, with amendments,
18 Article - Criminal Law
19 Section 9-401(f), 9-404, and 9-405
20 Annotated Code of Maryland
21 (2002 Volume and 2003 Supplement)

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

1

Article - Criminal Law

2 9-401.

3 (f) "Place of confinement" means:

4 (1) a correctional facility;

5 (2) [a place identified in a home detention order or agreement;

6 (3)] a facility of the Department of Health and Mental Hygiene; OR

7 [(4) a detention center for juveniles or a facility for juveniles listed in
8 Article 83C, § 2-117(a)(2) of the Code;

9 (5) a place identified in a juvenile community detention order; or

10 (6)] (3) EXCEPT AS PROVIDED IN § 9-405 OF THIS SUBTITLE, any other
11 facility in which a person is confined under color of law.

12 9-404.

13 (a) A person may not knowingly escape from a place of confinement.

14 (b) A person may not escape from a detention center for juveniles or a facility
15 for juveniles listed in Article 83C, § 2-117(a)(2) of the Code and in the course of the
16 escape commit an assault.

17 [(c) (1) This subsection applies to a person who is:

18 (i) temporarily released from a place of confinement; or

19 (ii) committed to home detention under the terms of pretrial release
20 or by the Division of Correction under Title 3, Subtitle 4 of the Correctional Services
21 Article.

22 (2) A person may not knowingly:

23 (i) violate any restriction on movement imposed under the terms of
24 a temporary release or a home detention order or agreement; or25 (ii) fail to return to a place of confinement under the terms of a
26 temporary release or a home detention order or agreement.]27 [(d)] (C) [Except as provided in § 9-405 of this subtitle, a] A person who
28 violates this section is guilty of the felony of escape in the first degree and on
29 conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
30 \$20,000 or both.

1 9-405.

2 (a) (1) A person who has been lawfully arrested may not knowingly depart
3 from custody without the authorization of a law enforcement or judicial officer.

4 (2) (B) A person may not knowingly fail to obey a court order to report
5 to a place of confinement.

6 (3) ~~A person who is serving a sentence in a home detention program
7 [other than the Division of Correction home detention program under Title 3, Subtitle
8 4 of the Correctional Services Article] may not knowingly:~~

9 (i) ~~violate any restriction on movement imposed under the terms of
10 the home detention order or agreement; or~~

11 (ii) ~~fail to return to a place of confinement under the terms of the
12 home detention order or agreement.~~

13 (4) ~~[Except as otherwise punishable under § 9-404(b) of this subtitle, a]
14 A person may not escape from:~~

15 (i) ~~EXCEPT AS OTHERWISE PUNISHABLE UNDER § 9-404(B) OF THIS
16 SUBTITLE, a detention center for juveniles or a facility for juveniles listed in Article
17 83C, § 2-117(a)(2) of the Code; [or]~~

18 (ii) ~~[a place of confinement] A PLACE IDENTIFIED IN A HOME
19 DETENTION ORDER OR AGREEMENT; OR~~

20 (iii) ~~A PLACE IDENTIFIED IN A JUVENILE COMMUNITY DETENTION
21 ORDER.~~

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

23 (I) ~~TEMPORARILY RELEASED FROM A PLACE OF CONFINEMENT;~~

24 (II) ~~COMMITTED TO A PRETRIAL AGENCY;~~

25 (III) ~~COMMITTED TO HOME DETENTION BY:~~

26 1. ~~THE COURT; OR~~

27 2. ~~THE DIVISION OF CORRECTION UNDER TITLE 3, SUBTITLE
28 4 OF THE CORRECTIONAL SERVICES ARTICLE;~~

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

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

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

5 ~~(2) A PERSON MAY NOT KNOWINGLY:~~

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

9 ~~(II) FAIL TO RETURN TO A PLACE OF CONFINEMENT UNDER THE~~
10 ~~TERMS OF A TEMPORARY RELEASE, CUSTODIAL CONFINEMENT, OR HOME~~
11 ~~DETENTION ORDER OR AGREEMENT.~~

12 ~~(C) A PERSON MAY NOT KNOWINGLY ESCAPE FROM A DETENTION CENTER~~
13 ~~FOR JUVENILES OR A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, § 2-117(A)(2)~~
14 ~~OF THE CODE.~~

15 ~~(D) A PERSON WHO HAS BEEN COMMITTED TO HOME OR COMMUNITY~~
16 ~~DETENTION MAY NOT KNOWINGLY:~~

17 ~~(1) VIOLATE ANY RESTRICTION ON MOVEMENT IMPOSED UNDER THE~~
18 ~~TERMS OF THE HOME OR COMMUNITY DETENTION ORDER OR AGREEMENT; OR~~

19 ~~(2) DEPART FROM OR FAIL TO RETURN TO CONFINEMENT IN VIOLATION~~
20 ~~OF THE TERMS OF THE HOME OR COMMUNITY DETENTION ORDER OR AGREEMENT.~~

21 ~~(E) A PERSON WHO HAS BEEN ORDERED BY A COURT TO SERVE A TERM OF~~
22 ~~CUSTODIAL CONFINEMENT AS DEFINED IN § 6-219 OF THE CRIMINAL PROCEDURE~~
23 ~~ARTICLE AS A CONDITION OF A SUSPENDED SENTENCE OR PROBATION BEFORE OR~~
24 ~~AFTER JUDGMENT MAY NOT KNOWINGLY:~~

25 ~~(1) VIOLATE ANY RESTRICTION ON MOVEMENT IMPOSED UNDER THE~~
26 ~~TERMS OF THE CUSTODIAL CONFINEMENT ORDER OR AGREEMENT; OR~~

27 ~~(2) DEPART FROM OR FAIL TO RETURN TO CONFINEMENT IN VIOLATION~~
28 ~~OF THE TERMS OF THE CUSTODIAL CONFINEMENT ORDER OR AGREEMENT.~~

29 ~~(F) A PERSON WHO HAS BEEN TEMPORARILY RELEASED FROM A PLACE OF~~
30 ~~CONFINEMENT UNDER THE TERMS OF A TEMPORARY RELEASE ORDER OR~~
31 ~~AGREEMENT MAY NOT KNOWINGLY:~~

32 ~~(1) VIOLATE ANY RESTRICTION ON MOVEMENT IMPOSED UNDER THE~~
33 ~~TERMS OF THE TEMPORARY RELEASE ORDER OR AGREEMENT; OR~~

34 ~~(2) DEPART FROM OR FAIL TO RETURN TO A PLACE OF CONFINEMENT IN~~
35 ~~VIOLATION OF THE TERMS OF THE TEMPORARY RELEASE ORDER OR AGREEMENT.~~

1 (G) A PERSON MAY NOT KNOWINGLY ESCAPE FROM CONFINEMENT IMPOSED
2 UNDER COLOR OF LAW THROUGH A RESTRICTION ON THE PERSON'S MOVEMENT BY
3 REMOVING, BLOCKING, DEACTIVATING, OR OTHERWISE TAMPERING WITH A
4 MONITORING DEVICE, INCLUDING:

5 (1) AN ANKLE OR WRIST BRACELET;

6 (2) A GLOBAL POSITION SATELLITE OFFENDER TRACKING TECHNOLOGY
7 SYSTEM; OR

8 (3) ANY COMPARABLE EQUIPMENT OR SYSTEM THAT TRACKS THE
9 PERSON'S LOCATION WHEN WORN ON THE PERSON'S BODY OR CARRIED BY THE
10 PERSON.

11 [(b)] ~~(C)~~ (H) A person who violates this section is guilty of the misdemeanor
12 of escape in the second degree and on conviction is subject to imprisonment not
13 exceeding 3 years or a fine not exceeding \$5,000 or both.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2004.