

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Juvenile Services)**

Requested: November 3, 2003
Introduced and read first time: January 14, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 4, 2004

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Services - Community Detention - Escape from Confinement**

3 FOR the purpose of clarifying the provisions concerning escape from confinement by
4 juveniles; excluding escape from certain juvenile facilities or detention from the
5 crime of escape in the first degree; altering certain definitions; and generally
6 relating to escape from confinement.

7 BY repealing and reenacting, without amendments,
8 Article - Criminal Law
9 Section 9-401(a) and ~~(#) 9-410(a)~~
10 Annotated Code of Maryland
11 (2002 Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 9-401(f), 9-404(b), 9-405(a), and 9-410(f)
15 Annotated Code of Maryland
16 (2002 Volume and 2003 Supplement)

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

1

Article - Criminal Law

2 9-401.

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

4 (f) (1) "Place of confinement" means:5 ~~(1)~~ (I) a correctional facility;6 ~~(2)~~ (II) a place identified in a home detention order or agreement;7 ~~(3)~~ (III) a facility of the Department of Health and Mental Hygiene; OR8 ~~(4)~~ a detention center for juveniles or a facility for juveniles listed in
9 Article 83C, § 2-117(a)(2) of the Code;10 ~~(5)~~ a place identified in a juvenile community detention order; or11 ~~(6)~~ (IV) any other facility in which a person is confined under color of
12 law.13 (2) "PLACE OF CONFINEMENT" DOES NOT INCLUDE:14 (I) A DETENTION CENTER FOR JUVENILES;15 (II) A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, §
16 2-117(A)(2) OF THE CODE; OR17 (III) A PLACE IDENTIFIED IN A JUVENILE COMMUNITY DETENTION
18 ORDER.19 9-404.20 (b) A person may not:21 (1) escape from:22 (I) a detention center for juveniles [or];23 (II) a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the
24 Code; OR25 (III) A PLACE IDENTIFIED IN A JUVENILE COMMUNITY DETENTION
26 ORDER; and27 (2) in the course of the escape commit an assault.

28 9-405.

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

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

3 (3) A person who is serving a sentence in a home detention program
4 other than the Division of Correction home detention program under Title 3, Subtitle
5 4 of the Correctional Services Article may not knowingly:

6 (i) violate any restriction on movement imposed under the terms of
7 the home detention order or agreement; or

8 (ii) fail to return to a place of confinement under the terms of the
9 home detention order or agreement.

10 (4) Except as otherwise punishable under § 9-404(b) of this subtitle, a
11 person may not escape from:

12 (i) a detention center for juveniles ~~or~~;

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

15 (iii) (III) a place [of confinement] IDENTIFIED IN A JUVENILE
16 COMMUNITY DETENTION ORDER.

17 9-410.

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

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

21 (I) A CORRECTIONAL FACILITY;

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

24 (III) A DETENTION CENTER FOR JUVENILES;

25 (IV) A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, §
26 2-117(A)(2) OF THE CODE;

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

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

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

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