

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 49

(Chairman, Judicial Proceedings Committee)  
(By Request – Departmental – Juvenile Services)

Judicial Proceedings

Judiciary

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

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This departmental bill modifies the scope of second degree escape to include an escape from a place identified in a juvenile community detention order and to exclude an escape that would otherwise constitute a first degree escape.

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**Fiscal Summary**

**State Effect:** None. The bill clarifies existing practice.

**Local Effect:** None.

**Small Business Effect:** The Department of Juvenile Services (DJS) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Current Law:** A person may not knowingly escape from a “place of confinement,” which is defined as: (1) a juvenile detention center or juvenile facility; (2) a correctional facility; (3) a place identified in a home detention order or agreement; (4) a facility of the Department of Health and Mental Hygiene; (5) a place identified in a juvenile detention order; or (6) any other facility in which a person is confined under color of law. A person violating this law is guilty of the felony of escape in the first degree and, on conviction, is subject to imprisonment for up to 10 years or a fine of up to \$20,000 or both. The crime

of escape in the second degree applies to an almost identical set of individuals and is a misdemeanor punishable with up to three years in prison or a fine of up to \$5,000 or both.

**Background:** DJS advises that this bill attempts to correct a technical error in HB 1081 of 2002 (Chapter 406) which codified a community detention program within DJS. HB 1081 sought to identify escape from a place specified in a community detention order as a second degree escape. The bill, however, included escapes from any place of confinement as second degree escapes, a broader definition than was intended. The Office of the Attorney General advises that it is not aware of any escapes that have been incorrectly classified as second degree escapes instead of first degree escapes as a result of the community detention bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General, Department of Juvenile Services, Department of Legislative Services

**Fiscal Note History:** First Reader - January 16, 2004  
lc/jr Revised - Senate Third Reader - March 29, 2004

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