

## Chapter 123

(House Bill 75)

AN ACT concerning

### Criminal Law – Escape from Juvenile Facility

FOR the purpose of altering the elements of the crimes of escape in the first degree and escape in the second degree to include a prohibition against escape from a privately operated, ~~physically~~ hardware secure facility for juveniles committed to the Department of Juvenile Services; defining a certain term; altering a certain definition; and generally relating to escape from a juvenile facility.

BY repealing and reenacting, with amendments,  
Article – Criminal Law  
Section 9–401, 9–404, and 9–405  
Annotated Code of Maryland  
(2002 Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,  
Article – Human Services  
Section 9–226  
Annotated Code of Maryland  
(2007 Volume and 2009 Supplement)

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

### Article – Criminal Law

9–401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Concealment” means hiding, secreting, or keeping out of sight.
- (c) “Escape” retains its judicially determined meaning.
- (d) “Fugitive” means an individual for whom a felony arrest warrant has been issued and is outstanding.
- (e) (1) “Harbor” includes offering a fugitive or escaped inmate:
  - (i) concealment;

- (ii) lodging;
- (iii) care after concealment; or
- (iv) obstruction of an effort of an authority to arrest the fugitive or escaped inmate.

(2) “Harbor” does not include failing to reveal the whereabouts of a fugitive or an escaped inmate by a person who did not participate in the effort of the fugitive or escaped inmate to elude arrest.

~~(F) “PHYSICALLY SECURE FACILITY” MEANS A FACILITY WITH A PERIMETER THAT RESTRICTS A PERSON PLACED WITHIN IT AND PREVENTS UNAUTHORIZED ACCESS.~~

(F) “HARDWARE SECURE FACILITY” MEANS A FACILITY THAT IS SECURELY LOCKED OR FENCED TO PREVENT ESCAPE.

- [f] (G) (1) “Place of confinement” means:
- (i) a correctional facility;
  - (ii) a facility of the Department of Health and Mental Hygiene;
- or
- (iii) any other facility in which a person is confined under color of law.

- (2) “Place of confinement” does not include:
- (i) a detention center for juveniles;
  - (ii) a facility for juveniles listed in § 9–226(b) of the Human Services Article; [or]
  - (iii) a place identified in a juvenile community detention order;

OR

(IV) A PRIVATELY OPERATED, ~~PHYSICALLY~~ HARDWARE SECURE FACILITY FOR JUVENILES COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES.

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

(b) A person may not:

(1) escape from:

(i) a detention center for juveniles;

(ii) a facility for juveniles listed in § 9–226(b) of the Human Services Article; [or]

(iii) a place identified in a juvenile community detention order;

[and] OR

**(IV) A PRIVATELY OPERATED, ~~PHYSICALLY~~ HARDWARE SECURE FACILITY FOR JUVENILES COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES; AND**

(2) in the course of the escape commit an assault.

(c) A person who violates this section is guilty of the felony of escape in the first degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$20,000 or both.

9–405.

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

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

(3) A person may not escape from:

(i) except as otherwise punishable under § 9–404(b) of this subtitle, a detention center for juveniles or a facility for juveniles listed in § 9–226(b) of the Human Services Article;

(ii) a place identified in a home detention order or agreement; [or]

(iii) a place identified in a juvenile community detention order;

OR

**(IV) A PRIVATELY OPERATED, ~~PHYSICALLY~~ HARDWARE SECURE FACILITY FOR JUVENILES COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES.**

- (b) (1) This subsection applies to a person who is:
- (i) temporarily released from a place of confinement;
  - (ii) committed to a pretrial agency;
  - (iii) committed to home detention by:
    - 1. the court; or
    - 2. the Division of Correction under Title 3, Subtitle 4 of the Correctional Services Article;
  - (iv) committed to a home detention program administered by a county;
  - (v) committed to a private home detention monitoring agency as defined in § 20–101 of the Business Occupations and Professions Article; or
  - (vi) ordered by a court to serve a term of custodial confinement as defined in § 6–219 of the Criminal Procedure Article as a condition of a suspended sentence or probation before or after judgment.
- (2) A person may not knowingly:
- (i) violate any restriction on movement imposed under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement;
  - (ii) fail to return to a place of confinement under the terms of a temporary release, pretrial commitment, custodial confinement, or home detention order or agreement; or
  - (iii) remove, block, deactivate, or otherwise tamper with a monitoring device required to be worn or carried by the person to track the person's location, including an ankle or wrist bracelet, global position satellite offender tracking technology, or comparable equipment or system.
- (c) A person who violates this section is guilty of the misdemeanor of escape in the second degree and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

**Article – Human Services**

9–226.

(a) The Department may establish and operate the facilities that are necessary to properly diagnose, care for, train, educate, and rehabilitate children who need these services.

(b) The facilities described in subsection (a) of this section include:

- (1) the Alfred D. Noyes Children's Center;
- (2) the Baltimore City Juvenile Justice Center;
- (3) the Charles H. Hickey, Jr. School;
- (4) the Cheltenham Youth Facility;
- (5) the J. DeWeese Carter Center;
- (6) the Lower Eastern Shore Children's Center;
- (7) the Thomas J. S. Waxter Children's Center;
- (8) the Victor Cullen Center;
- (9) the Western Maryland Children's Center; and
- (10) the youth centers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, April 13, 2010.**