

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Revised

House Bill 75

(Chair, Judiciary Committee)(By Request - Departmental
- Juvenile Services)

Judiciary

Judicial Proceedings

Criminal Law - Escape from Juvenile Facility

This departmental bill alters the elements of the crime of escape in the first degree and escape in the second degree to include a prohibition against escape from a privately operated, hardware secure facility for juveniles committed to the Department of Juvenile Services (DJS). A “hardware secure facility” is defined as a facility that is securely locked or fenced to prevent escape. The bill also excludes a “hardware secure facility” from the statutory definition of a place of confinement.

Fiscal Summary

State Effect: None. Even if DJS contracts with a private vendor in the future to operate a “hardware secure facility,” it is estimated that the bill’s penalty provisions would apply in only a limited number of cases. Therefore, the bill’s provisions are not expected to significantly affect State finances.

Local Effect: None.

Small Business Effect: The Department of Juvenile Services 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.)

Analysis

Current Law: A person may not escape from: (1) a detention center for juveniles; (2) certain facilities for juveniles operated by DJS and specified in statute; or (3) a place identified in a juvenile community detention order, and in the course of the escape

commit an assault. A violator is guilty of the felony of escape in the first degree and subject to maximum penalties of a fine of \$20,000 and/or 10 years imprisonment.

A person may not escape from: (1) unless otherwise punishable as escape in the first degree, a detention center for juveniles or certain facilities for juveniles operated by DJS and specified in statute; (2) a place identified in a home detention order or agreement; or (3) a place identified in a juvenile community detention order. A violator is guilty of the misdemeanor of escape in the second degree and subject to maximum penalties of a fine of \$5,000 and/or three years imprisonment.

A “place of confinement” means a correctional facility, a facility of the Department of Health and Mental Hygiene, or any other facility in which a person is confined under law. A “place of confinement” does not include a detention center for juveniles, certain facilities for juveniles operated by DJS and specified in statute, or a place identified in a juvenile community detention order.

Background: DJS reports that although it does not currently contract with any vendor to operate a “hardware secure facility,” the bill’s provisions ensure that if it enters into such a contract in the future, a person who escapes from a privately operated facility will be subject to the same penalties as a person who escapes from a DJS-operated facility.

In fiscal 2009, there were 12 escapes from secure facilities operated by DJS.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2010
mam/kdm Revised - House Third Reader - March 25, 2010

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Law – Escape from Juvenile Facility

BILL NUMBER: HB 75

PREPARED BY: Department of Juvenile Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.