

STATE PENITENTIARY OR A JAIL OR HOUSE OF CORRECTION FOR AN ADDITIONAL PERIOD NOT EXCEEDING 10 YEARS. A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE CONSECUTIVE TO THE SENTENCE UNDER WHICH THE INDIVIDUAL ORIGINALLY WAS CONFINED AND MAY NOT BE SUSPENDED.

(2) AN INSTITUTION OR AGENCY THAT OPERATES UNDER THE AUTHORITY OF THE JUVENILE SERVICES ADMINISTRATION AND TREATS CHILDREN WHO ARE ADJUDICATED DELINQUENT IS A PLACE OF CONFINEMENT FOR THE PURPOSE OF THIS SECTION. HOWEVER, FOR AN ESCAPE FROM A JUVENILE INSTITUTION OR AGENCY THAT DOES NOT INVOLVE AN ASSAULT, THE SENTENCE MAY NOT EXCEED CONFINEMENT FOR 3 YEARS.

(B) AN ESCAPEE WHO IS CONVICTED UNDER THIS SECTION IS LIABLE FOR ALL EXPENSES INCURRED IN THE RETURN OF THE ESCAPEE TO THE JURISDICTION OF THE DIVISION OF CORRECTION. THE COMMISSIONER SHALL NOTIFY THE RETURNED ESCAPEE OF ANY CHARGES. A HEARING SHALL BE GRANTED TO ANY RETURNED ESCAPEE WHO WISHES TO CHALLENGE THE REASONABLENESS OF THE CHARGES. THE COMMISSIONER OF CORRECTION MAY ESTABLISH APPROPRIATE RULES, REGULATIONS, AND PROCEDURES FOR CHARGING AN ESCAPEE WITH EXPENSES, COLLECTING THOSE EXPENSES, AND FOR HEARINGS TO CHALLENGE THOSE EXPENSES.

(C) A PERSON WHO AIDS IN THE ESCAPE OF THE INDIVIDUAL UNDER THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION BY THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ESCAPE TAKES PLACE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

REVISOR'S NOTE: Ch. ____, Acts of 1982, which enacted the Health - General Article, also repealed former Article 27, § 139 and enacted this section to incorporate, in subsection (a) of this section, the substance of former Article 43B, § 17 and former Article 52A, § 10(b), which made escape from the Drug Abuse Administration or certain juvenile institutions a felony.

Subsection (c) of this section also is revised to make the aider of an escapee guilty of a felony. However, the Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that the scope of subsection (b) of this section has not been expanded to encompass the escapes under former Article 43B, § 17 or Article 52A, § 10(b). Since, e.g., a drug abuser is returned to the custody of the Administration, rather than the Commissioner of Correction, it was unclear whether the former law intended for the provisions of subsection (b) of this section to apply to those escapes. See HG §§ 9-646 and 9-649.

In subsection (c) of this section, the reference