(2) A PLACE IDENTIFIED IN A HOME DETENTION ORDER OR AGREEMENT;

(3) A FACILITY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(4) ~~A DETENTION AND YOUTH CENTER FOR JUVENILES OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF JUVENILE JUSTICE; OR~~

(4) A DETENTION CENTER FOR JUVENILES OR A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, § 2–117(A)(2) OF THE CODE; OR

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

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The definition of escape is intended to include the case law interpreting former Art. 27, § 139. See e.g., Stewart v. State, 275 Md. 258, 340 A.2d 290 (1975); Beasly v. State, 17 Md. App. 7, 299 A.2d 482 (1973); Best v. Warden, 235 Md. 633, 201 A.2d 490 (1964). It is not intended to refer to the common law definition of escape.

137.

(A) A PERSON MAY NOT KNOWINGLY ESCAPE FROM A PLACE OF CONFINEMENT.

(B) (1) THIS SUBSECTION APPLIES TO A PERSON:

(I) TEMPORARILY RELEASED FROM A PLACE OF CONFINEMENT; OR

(II) COMMITTED TO HOME DETENTION UNDER THE TERMS OF PRETRIAL RELEASE OR BY THE DIVISION OF CORRECTION UNDER TITLE 3, SUBTITLE 4 OF THE CORRECTIONAL SERVICES ARTICLE.

(2) A PERSON MAY NOT KNOWINGLY:

(I) VIOLATE ANY RESTRICTION ON MOVEMENT IMPOSED UNDER THE TERMS OF TEMPORARY RELEASE OR A HOME DETENTION ORDER OR AGREEMENT; OR

(II) FAIL TO RETURN TO A PLACE OF CONFINEMENT UNDER THE TERMS OF TEMPORARY RELEASE OR A HOME DETENTION ORDER OR AGREEMENT.

(C) EXCEPT AS PROVIDED IN § 137A OF THIS SUBHEADING, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ESCAPE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $20,000 OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): Former Art. 27, § 139 applied to escapes by persons "legally detained." Because escape has been defined to retain its judicially determined meaning, the former reference to a person "legally detained" has been omitted. In this regard see Vucci v. State, 18 Md. App.157,