

305 A.2d 483 (1973), holding that a person who is illegally detained because of procedural defects is not entitled to resort to self-help, but rather must apply for release through regular legal channels.

Former Art. 27, § 139 also prohibited a person from aiding the escape of an individual. This revision eliminates this provision because the current common law on accomplice liability adequately addresses this situation. This Committee has previously recommended the deletion of similar provisions for this reason. See e.g., "Arson and Burning" subheading of this article.

137A.

(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 WHO IS SERVING A SENTENCE IN A HOME DETENTION PROGRAM OTHER THAN THE DIVISION OF CORRECTION HOME DETENTION PROGRAM UNDER TITLE 3, SUBTITLE 4 OF THE CORRECTIONAL SERVICES ARTICLE MAY NOT KNOWINGLY:

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

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

(B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF ESCAPE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

(2) IF AN ESCAPE FROM A DETENTION AND YOUTH CENTER FOR JUVENILES OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF JUVENILE JUSTICE CENTER FOR JUVENILES OR A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, § 2-117(A)(2) OF THE CODE DOES NOT INVOLVE AN ASSAULT, A VIOLATOR IS GUILTY OF ESCAPE IN THE SECOND DEGREE AND PUNISHABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The prohibition in subsection (a)(2) of this section is intended to apply to an order to report for service of a weekend or other periodic sentence.

138.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ALCOHOLIC BEVERAGE" MEANS BEER, WINE, OR DISTILLED SPIRITS.