

(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, 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.