

AN INMATE WHO ESCAPES WHILE ASSIGNED TO PERFORM LABOR OR PROVIDE SERVICES UNDER THIS SECTION IS GUILTY OF ESCAPE UNDER ARTICLE 27, § 139 OF THE CODE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 88B, § 26.

In subsection (a) of this section, the reference to the Department "of State Police" is added to reflect the definition of "Department" in Art. 88B, § 2.

Also in subsection (a) of this section, the reference to inmates who have been "sentenced to imprisonment" is substituted for the former reference to inmates who are "under sentence" for clarity.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section is one of many provisions in this article that relates to inmates who escape while legitimately outside the confines of a correctional facility (e.g., while on work release, home detention, pretrial release, weekend leave, compassionate leave, family leave, etc.). For a discussion of the Committee's perspective on these provisions, see § 3-305(c) of this article and accompanying Revisor's Note.

Defined terms: "Division of Correction" § 1-101

"Inmate" § 1-101

"Local correctional facility" § 1-101

"Managing official" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE:

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that many aspects of §§ 9-503 through 9-506 of this subtitle are duplicative of §§ 9-507 through 9-514 of this subtitle. There is no clear reason for this duplication.

The source law for §§ 9-503 through 9-506, former Art. 27, §§ 712 through 718, was enacted by Ch. 211, Acts of 1916. The source law for §§ 9-507 through 9-514, former Art. 27, §§ 719 through 726, was enacted as an emergency measure by Ch. 4, Acts of 1917 (Special Session). The provisions of former Art. 27, §§ 719 through 726 stood alone and were not intertwined with the provisions of former Art. 27, §§ 712 through 718. All of these former provisions remained largely unchanged after their original enactment.

In light of the Committee's uncertainty as to the purpose of the overlapping aspects of this subtitle and the age of the underlying source law for this subtitle, the General Assembly may wish to examine the provisions of this subtitle and determine whether the current inmate work force system should be modified or eliminated.