

(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 A TEMPORARY RELEASE OR A HOME DETENTION ORDER OR AGREEMENT; OR

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

(D) PENALTY.

EXCEPT AS PROVIDED IN § 9-405 OF THIS SUBTITLE, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ESCAPE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH.

REVISOR'S NOTE: Subsections (a), (c), and (d) of this section are new language derived without substantive change from former Art. 27, § 137.

Subsection (b) of this section is new language added to state explicitly that which was only implied by the former law, *i.e.* that an escape from a juvenile facility involving an assault is escape in the first degree. *See* § 9-405(a)(4) of this subtitle.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the forms of home detention listed in subsection (c)(1)(ii) of this section do not cover home detention programs administered by counties or other available forms of custodial confinement. *See* Ch. 356, Acts of 2001.

- Defined terms: "Escape" § 9-401
- "Person" § 1-101
- "Place of confinement" § 9-401

9-405. ESCAPE IN THE SECOND DEGREE.

(A) PROHIBITED.

(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.