

(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.

(4) EXCEPT AS OTHERWISE PUNISHABLE UNDER § 9-404(B) OF THIS SUBTITLE, A PERSON MAY NOT ESCAPE FROM A DETENTION CENTER FOR JUVENILES OR A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, § 2-117(A)(2) OF THE CODE.

(B) PENALTY.

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

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 137A.

In subsection (a)(4) of this section, the phrase "[e]xcept as otherwise punishable under § 9-404(b) of this subtitle," is added to distinguish an escape from a juvenile facility not involving an assault under this section from escaping from a juvenile facility "if the escape involves an assault" under § 9-404(b) of this subtitle.

Defined terms: "Escape" § 9-401

"Person" § 1-101

"Place of confinement" § 9-401

9-406. ESCAPE — VOLUNTARY INTOXICATION NOT A DEFENSE.

VOLUNTARY INTOXICATION IS NOT A DEFENSE TO A CHARGE OF ESCAPE UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 139(b).

The reference to this "subtitle" is substituted for the former reference to this "subheading", although this subtitle is derived, in part, from material outside the former "Escape and Contraband in Places of Confinement" subheading of Article 27. Because the only charges of escape contained in this subtitle arise from material derived from the former "Escape and Contraband in Places of Confinement" subheading, no substantive change results.

Defined term: "Escape" § 9-401