

authority to grant leave for the purpose of "engaging in" employment is added for grammatical consistency within this subsection. In subsection (a)(2), (3), (4), and (5) of this section, the references to the Commissioner's authority to grant leave for the purpose of "participating in" educational programs, vocational training, community or civic activities, volunteer work, or athletic competition are added for the same reason. Correspondingly, in subsection (a)(6) of this section, the reference to "making" personal or family visits is added.

In subsection (c)(1) of this section, the reference to the custody of the "Commissioner" is substituted for the former reference to the custody of the "Division of Correction" for consistency with § 9-103 of this article.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(2) of this section, which provides that an inmate who escapes while on leave is subject to the penalties established under Art. 27, § 139, is one of many provisions in this article that relates to inmates who escape while legitimately outside the physical confines of a correctional facility (e.g., while on work release, home detention, pretrial release, weekend leave, compassionate leave, family leave, etc.). See, e.g., §§ 3-409(c), 3-807(i), 3-808(d), 3-811(c), 9-520(b), 9-602(e), 11-319(a)(5), 11-702(b)(8), 11-703(d)(5)(iii) and (f)(4), 11-705(h), 11-706(b)(8), 11-708(b)(8)(ii), 11-711(h)(2), 11-712(c)(6)(ii), 11-714(c)(6), 11-715(g)(2), 11-716(h)(2), 11-717(f)(2), 11-723(b)(8), and 11-724(h)(2) of this article. The Committee is concerned about the patchwork nature of these provisions, which, in many cases, apply only in one particular county or to a limited category of conduct (e.g., failure to comply with the terms of an authorization for work release). The Committee is also concerned about the lack of uniformity in the language of these provisions. Some provisions specifically state that certain conduct is "a violation of" Art. 27, § 139, see, e.g., §§ 3-808(d), 3-811(c), 11-706(b)(8), 11-708(b)(8)(ii), 11-711(h)(2), 11-712(c)(6)(ii), 11-714(c)(6), 11-715(g)(2), 11-716(h)(2), 11-717(f)(2), and 11-724(h)(2) of this article, while others simply state that certain conduct is "subject to the penalties established under" Art. 27, § 139, see, e.g., §§ 11-319(a)(5) and 11-705(h) of this article. Some provisions state that certain conduct is a misdemeanor, but that the conduct is nevertheless punishable under Art. 27, § 139 (which establishes penalties for felony escape). See, e.g., §§ 3-807(i) and 11-703(f)(4) of this article. Some provisions state that a "willful" act is an element of the crime of escape. See, e.g., §§ 3-409(c) and 11-703(d)(5)(iii) of this article. Some provisions state that an inmate who violates a term or condition of home detention is guilty of a misdemeanor but make no reference to "escape" or Art. 27, § 139. See, e.g., §§ 11-702(b)(8) and 11-723(b)(8) of this article. In light of the patchwork nature of these provisions and the many inconsistencies in statutory language, the General Assembly may wish to examine all of them and determine whether to establish a uniform, statewide policy in this area.