

§755. Escape

1. A person is guilty of escape if without official permission the person intentionally:

A. Leaves official custody or intentionally fails to return to official custody following temporary leave granted for a specific purpose or a limited period. Violation of this paragraph is a Class C crime; or [PL 2001, c. 383, §90 (NEW); PL 2001, c. 383, §156 (AFF).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [PL 2001, c. 383, §90 (NEW); PL 2001, c. 383, §156 (AFF).]
[PL 2001, c. 383, §90 (RPR); PL 2001, c. 383, §156 (AFF).]

1-A.

[PL 2013, c. 133, §6 (RP).]

1-B. A person is guilty of escape from supervised community confinement granted pursuant to Title 34-A, section 3036-A if without official permission the person intentionally:

A. Fails to return to the correctional facility from which transfer was made upon the direction of the Commissioner of Corrections or otherwise intentionally violates a curfew, residence, time or travel restriction. Violation of this paragraph is a Class C crime; or [PL 2003, c. 711, Pt. A, §6 (AMD).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [PL 2001, c. 383, §92 (NEW); PL 2001, c. 383, §156 (AFF).]
[PL 2003, c. 711, Pt. A, §6 (AMD).]

1-C. A person is guilty of escape from furlough or other rehabilitative program authorized under Title 34-A, section 3035 if the person intentionally:

A. Goes to a location other than that permitted by the terms of the leave. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §93 (NEW); PL 2001, c. 383, §156 (AFF).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [PL 2001, c. 383, §93 (NEW); PL 2001, c. 383, §156 (AFF).]
[PL 2001, c. 383, §93 (RPR); PL 2001, c. 383, §156 (AFF).]

1-D. A person is guilty of escape from arrest or escape during transport following arrest if without official permission the arrested person intentionally:

A. Leaves following arrest prior to being transported, or while being transported to a jail, police station or other initial place of detention or to a courthouse when a court has ordered that the person be arrested and transported directly to court. Violation of this paragraph is a Class D crime; or [PL 2005, c. 63, §1 (AMD).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [PL 2001, c. 667, Pt. D, §20 (NEW); PL 2001, c. 667, Pt. D, §36 (AFF).]
[PL 2005, c. 63, §1 (AMD).]

1-E. A person is guilty of escape from the community confinement monitoring program granted pursuant to Title 30-A, section 1659-A if without official permission the person intentionally:

A. Leaves or fails to return within 12 hours to that person's residence or other designated area in which that person is monitored. Violation of this paragraph is a Class C crime; or [PL 2011, c. 464, §15 (NEW).]

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime. [PL 2011, c. 464, §15 (NEW).]

A sentence imposed for a violation of this section is subject to the requirements of section 1609-A. [PL 2021, c. 260, §1 (AMD).]

2. In the case of escape from arrest, it is a defense that the arresting officer acted unlawfully in making the arrest. In all other cases, it is no defense that grounds existed for release from custody that could have been raised in a legal proceeding.

[PL 1975, c. 499, §1 (NEW).]

3. As used in this section, "official custody" means arrest, custody in, or on the way to or from a courthouse or a jail, police station, house of correction, or any institution or facility under the control of the Department of Corrections, or under contract with the department for the housing of persons sentenced to imprisonment, the custody of any official of the department, the custody of any institution in another jurisdiction pursuant to a sentence imposed under the authority of section 2303, subsection 3 or any custody pursuant to court order. A person on a parole or probation status is not, for that reason alone, in "official custody" for purposes of this section.

[PL 2019, c. 113, Pt. C, §63 (AMD).]

3-A. The following provisions govern prosecution for escape.

A. Prosecution for escape or attempted escape from any institution included in subsection 3 must be in the county in which the institution is located. [PL 2001, c. 383, §95 (NEW); PL 2001, c. 383, §156 (AFF).]

B. Prosecution for escape or attempted escape of a person who has been transferred from one institution to another must be in the county in which the institution the person was either transferred from or transferred to is located. [PL 2001, c. 383, §95 (NEW); PL 2001, c. 383, §156 (AFF).]

C. Prosecution for an escape or attempted escape for failure to return to official custody following temporary leave granted for a specific purpose or a limited period must be in the county in which the institution from which the leave was granted is located or in any county to which leave was granted. [PL 2001, c. 383, §95 (NEW); PL 2001, c. 383, §156 (AFF).]

D. [PL 2013, c. 133, §7 (RP).]

E. Prosecution for escape or attempted escape from supervised community confinement must be in the county in which the institution from which the transfer to supervised community confinement was granted is located or in any county to which the transfer to supervised community confinement was granted. [PL 2001, c. 383, §95 (NEW); PL 2001, c. 383, §156 (AFF).]

F. Prosecution for escape or attempted escape from the community confinement monitoring program must be in the county in which the institution from which the transfer to the community confinement monitoring program was granted is located or in any county to which the transfer to the community confinement monitoring program was granted. [PL 2011, c. 464, §16 (NEW).]

Notwithstanding other provisions of this section, in all cases of escape, prosecution may be in the county or division in which the person who has escaped was apprehended.

[PL 2013, c. 133, §7 (AMD).]

4.

[PL 2001, c. 383, §96 (RP); PL 2001, c. 383, §156 (AFF).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §§82,83 (AMD). PL 1977, c. 510, §§63,64 (AMD). PL 1979, c. 701, §§24-26 (AMD). PL 1981, c. 493, §3 (AMD). PL 1985, c. 210 (AMD). PL 1985, c. 821, §§1,2 (AMD). PL 1991, c. 845, §§1,2 (AMD). PL 1993, c. 440, §§1,2 (AMD). PL 2001, c. 383, §§90-96 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 667, §D20 (AMD). PL 2001, c. 667, §D36 (AFF). PL 2003, c. 711, §§A5,6 (AMD). PL 2005, c. 63, §1 (AMD). PL 2011, c. 464, §§15, 16 (AMD). PL 2013, c. 133, §§6, 7 (AMD). PL 2019, c. 113, Pt. C, §§62, 63 (AMD). PL 2021, c. 260, §1 (AMD).

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