

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 929
Judiciary I Committee Substitute Adopted 5/11/05

Short Title: Prison Escape/Juvenile Detention Facility.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO DETER ESCAPES FROM CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BY MAKING IT A CRIMINAL OFFENSE TO ESCAPE, OR ATTEMPT TO ESCAPE, IF THE PERSON IN CUSTODY IS AGE EIGHTEEN OR OVER, AND TO INCREASE THE PENALTY FOR ESCAPE FROM COUNTY OR CITY JAILS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-256 reads as rewritten:

"§ 14-256. **Prison breach and escape from county or municipal confinement facilities or ~~officers-officers~~; breach and escape from juvenile detention facility or youth development center, or from lawful custody.**

(a) If any person shall break any prison, jail or lockup maintained by any county or municipality in North Carolina, being lawfully confined therein, or shall escape from the lawful custody of any superintendent, guard or officer of such prison, jail or lockup, he shall be guilty of a ~~Class 1~~Class A1 misdemeanor, except that the person is guilty of a Class H felony if:

- (1) He has been convicted of a felony and has been committed to the facility pending transfer to the State prison system; or
- (2) He is serving a sentence imposed upon conviction of a felony.

(b) Any person age 18 years or older is guilty of a Class A1 misdemeanor if the person does any one of the following:

- (1) Breaks any juvenile detention facility or youth development center maintained by any county or municipality in North Carolina or by the Department of Juvenile Justice and Delinquency Prevention.
- (2) Escapes from the lawful custody of any superintendent, guard, officer, or employee of a facility or center described in subdivision (1) of this subsection.

1 (3) Escapes from the lawful custody of a law enforcement officer or
2 employee of the Department of Juvenile Justice and Delinquency
3 Prevention."

4 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
5 offenses committed on or after that date.