
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 675 Session of
1995

INTRODUCED BY BLAUM, GEORGE, M. N. WRIGHT, FAIRCHILD, MERRY,
McCALL, NAILOR, FLICK, DERMODY, SCHULER, ROONEY, LAUGHLIN,
SATHER, RUDY, GEIST, COY, DALEY, ROBINSON, BISHOP, TRELLO,
MELIO, HERMAN, CORRIGAN, BATTISTO, DeLUCA, VAN HORNE, MUNDY,
STURLA, TIGUE, STABACK, PISTELLA, SERAFINI, J. TAYLOR,
WOZNIAK, CIVERA, BROWNE AND DIGIROLAMO, FEBRUARY 13, 1995

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for escape.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 5121 of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended to read:

7 § 5121. Escape.

8 (a) Escape.--A person commits an offense if he unlawfully
9 removes himself from official detention or fails to return to
10 official detention following temporary leave granted for a
11 specific purpose or limited period.

12 (b) Permitting or facilitating escape.--A public servant
13 concerned in detention commits an offense if he knowingly or
14 recklessly permits an escape. Any person who knowingly causes or
15 facilitates an escape commits an offense.

16 (c) Effect of legal irregularity in detention.--Irregularity

1 in bringing about or maintaining detention, or lack of
2 jurisdiction of the committing or detaining authority, shall not
3 be a defense to prosecution under this section.

4 (d) Grading.--

5 (1) An offense under this section is a felony of the
6 third degree where:

7 (i) the actor was under arrest for or detained on a
8 charge of felony or following conviction of crime;

9 (ii) the actor was under arrest for or detained in a
10 juvenile detention center on an allegation of a
11 delinquent act which, if committed by an adult, would
12 constitute a felony or was detained in a juvenile
13 detention center or committed to a security unit of a
14 youth development center or other physically secure
15 facility following a finding that the child committed a
16 delinquent act;

17 [(ii)] (iii) the actor employs force, threat, deadly
18 weapon or other dangerous instrumentality to effect the
19 escape; or

20 [(iii)] (iv) a public servant concerned in detention
21 of persons convicted of crime intentionally facilitates
22 or permits an escape from a detention facility.

23 (2) Otherwise an offense under this section is a
24 misdemeanor of the second degree.

25 (e) Definition.--As used in this section, the phrase
26 "official detention" means arrest, detention in any facility for
27 custody of persons under charge or conviction of crime or
28 alleged or found to be delinquent, detention for extradition or
29 deportation, or any other detention for law enforcement
30 purposes; but the phrase does not include supervision of

1 probation or parole, or constraint incidental to release on
2 bail.

3 Section 2. This act shall take effect immediately.